

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 23, 2018

Item 3, Report No. 18, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 23, 2018.

3 SITE DEVELOPMENT FILE DA.17.119 LO CURTO DENISON SQUARE INC. VICINITY OF GIBRALTAR ROAD AND HIGHWAY 427

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management, dated May 8, 2018:

Recommendations

1. THAT Site Development File DA.17.119 (Lo Curto Denison Square Inc.) BE APPROVED, to permit the proposed employment building as shown on Attachments #3 to #5, subject to the following conditions:
 - a) Prior to the execution of the Site Plan Agreement:
 - i) the Development Planning Department shall approve the final site plan, landscape plan and details, landscape cost estimate, building elevations, and signage details;
 - ii) the Development Engineering Department shall approve the final site servicing and grading plan, erosion sediment control plan, Functional Servicing and Stormwater Management Report, and Parking Study;
 - iii) the Owner shall satisfy all requirements of the Environmental Services Department, Solid Waste Management Division;
 - iv) the Owner shall satisfy all requirements of the Parks Development Department;
 - v) the Owner shall successfully obtain approval of a Minor Variance Application for the required zoning exceptions to Zoning By-law 1-88, as identified in Table 1 of 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; and
 - vi) the Owner shall satisfy all requirements of the Ministry of Transportation Ontario ("MTO") and successfully obtain approval of Building and Land Use Permit prior to the execution of the Site Plan Agreement.
 - b) that the Site Plan Agreement include the following clauses:
 - i) "Upon the execution of the Site Plan Agreement, the Owner

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agrees to convey a Blanket Easement in favour of the City to remain in place on the 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 is registered on title. Upon completion of the items, the City shall register a Transfer, Release and Abandonment of the Blanket Easement.”

- ii) “No paving, parking, storage of materials, equipment or snow is permitted on the TransCanada pipeline right-of-way.”
- iii) “Written consent must be obtained from TransCanada Pipelines Limited prior to undertaking the following activities:
 - 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 meters of centreline from TransCanada’s pipe (the “Prescribed Area”);
 - driving a vehicle, mobile equipment or machinery across a TransCanada pipeline right-of-way outside the travelled portion of a highway or public road; and
 - using any explosives within 300 meters 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.”

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- v) “During construction of the site, temporary fencing must be erected and maintained along the limits of the right-of-way by the Owner(s) to prevent unauthorized 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:
 - TransCanada’s right-of-way is to be seeded with Canada #1 seed;
 - the Owner shall ensure there is a 5 m continuous access way in the right-of-way provided for TransCanada repair crews;
 - shrubs maturing at more than 1.5 m tall and trees including fruit, nut-bearing and Christmas tree farms shall not be permitted within the right-of-way;
 - shrubs maturing at less than 1.5 m tall shall maintain a separation of 5 m from the edge of the pipeline; and
 - a minimum of 5 m between all groups of trees/shrubs will be established. A group is defined as 3-5 trees/shrubs.”
- vii) “The original depth of cover over the pipeline within TransCanada’s right-of-way shall be restored after construction of the Owner’s Facility. This depth of cover over the pipeline shall not be compromised over the life of the Owner’s 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 the Owner’s operation, the Owner 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 identified as ii) to ix) inclusive above.”

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- 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 Government and Consumer Services.”

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

Item:



Committee of the Whole Report

DATE: Tuesday, May 08, 2018

WARD(S): 2

**TITLE: SITE DEVELOPMENT FILE DA.17.119
LO CURTO DENISON SQUARE INC.
VICINITY OF GIBRALTAR ROAD AND HIGHWAY 427**

FROM:

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

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.17.119 for the Subject Lands shown on Attachments #1 and #2, to permit a one-storey employment building, as shown on Attachments #3 to #5.

Report Highlights

- To seek approval from Committee of the Whole to permit a one-storey, 5,070 m² employment building including a 565 m² accessory office and a loading area.
- The proposed development conforms to Vaughan Official Plan 2010 ("VOP 2010") and the use is permitted by Zoning By-law 1-88.
- The Development Planning Department supports the approval of the proposed development as it is compatible with the existing and planned uses in the surrounding area, subject to the conditions in this report.

Recommendations

1. THAT Site Development File DA.17.119 (Lo Curto Denison Square Inc.) BE APPROVED, to permit the proposed employment building as shown on Attachments #3 to #5, subject to the following conditions:

- a) Prior to the execution of the Site Plan Agreement:
- i) the Development Planning Department shall approve the final site plan, landscape plan and details, landscape cost estimate, building elevations, and signage details;
 - ii) the Development Engineering Department shall approve the final site servicing and grading plan, erosion sediment control plan, Functional Servicing and Stormwater Management Report, and Parking Study;
 - iii) the Owner shall satisfy all requirements of the Environmental Services Department, Solid Waste Management Division;
 - iv) the Owner shall satisfy all requirements of the Parks Development Department;
 - v) the Owner shall successfully obtain approval of a Minor Variance Application for the required zoning exceptions to Zoning By-law 1-88, as identified in Table 1 of 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; and
 - vi) the Owner shall satisfy all requirements of the Ministry of Transportation Ontario ("MTO") and successfully obtain approval of Building and Land Use Permit prior to the execution of the Site Plan Agreement.
- b) that the Site Plan Agreement include the following clauses:
- i) "Upon the 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 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 is registered on title. Upon completion of the items, the City shall register a Transfer, Release and Abandonment of the Blanket Easement."

- ii) “No paving, parking, storage of materials, equipment or snow is permitted on the TransCanada pipeline right-of-way.”
- iii) “Written consent must be obtained from TransCanada Pipelines Limited prior to undertaking the following activities:
 - 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 meters of centreline from TransCanada’s pipe (the “Prescribed Area”);
 - driving a vehicle, mobile equipment or machinery across a TransCanada pipeline right-of-way outside the travelled portion of a highway or public road; and
 - using any explosives within 300 meters 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 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:
 - TransCanada’s right-of-way is to be seeded with Canada #1 seed;

- the Owner shall ensure there is a 5 m continuous access way in the right-of-way provided for TransCanada repair crews;
 - shrubs maturing at more than 1.5 m tall and trees including fruit, nut-bearing and Christmas tree farms shall not be permitted within the right-of-way;
 - shrubs maturing at less than 1.5 m tall shall maintain a separation of 5 m from the edge of the pipeline; and
 - a minimum of 5 m between all groups of trees/shrubs will be established. A group is defined as 3-5 trees/shrubs.”
- vii) “The original depth of cover over the pipeline within TransCanada’s right-of-way shall be restored after construction of the Owner’s Facility. This depth of cover over the pipeline shall not be compromised over the life of the Owner’s 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 the Owner’s operation, the Owner 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 identified as ii) 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 Government and Consumer Services.”

Background

The 1.47 ha vacant Subject Lands (the “Subject Lands”) are located on the south side of Gibraltar Road, west of Highway 427 and east of Regional Road 50, as shown on Attachments #1 and #2. 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 2010. A variance to Zoning By-law 1-88 is required to permit the development proposal

The Subject Lands are designated “Prestige Employment” and identified as an Employment Area by Volume 2, Area Specific Policy 12.12 - Huntington Business Park of VOP 2010.

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 accessory retail uses directly associated with any of the permitted uses are allowed, provided that the combination of accessory office and retail uses does not exceed 49% of the total gross floor area (GFA) devoted to the primary use. The proposed employment building and accessory office (representing 11% of the total GFA) conforms to the policies of VOP 2010.

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. One variance to Zoning By-law 1-88 is required to permit the development:

Table 1

	Zoning By-law 1-88 Standard	EM1 Prestige Employment Zone Requirements	Proposed Exceptions to the EM1 Prestige Employment Zone Requirements
a.	Loading and Unloading between a Building and a Highway (Highway 407)	Loading and unloading shall not be permitted between a building and a Highway	Permit a loading area located between a building (in the rear yard) and Highway 407

The location of the proposed loading area is screened from Highway 407 by a 14 m wide landscape strip proposed outside of the TransCanada pipeline easement and abutting Highway 407, as shown on Attachments #3 and #4. The proposed loading spaces are inset from the rear wall of the building, which will minimize their visual presence from the east and the west. The Development Planning Department requires additional landscaping along the south property line as a condition of site plan approval, to mitigate the visual impact of the loading area. A condition to this effect is included in the Recommendation of this report.

The Development Planning Department supports the proposed site plan, subject to the conditions in this report

The Subject Lands are currently vacant. The proposed site plan is shown on Attachment #3 and includes a one-storey, 5,070 m² employment building with 565 m² of accessory office component and 8 loading spaces at the rear of the building. The Subject Lands are served by 82 parking spaces of which 4 are accessible parking spaces. Access to the site is proposed via two driveways from Gibraltar Road.

The proposed building elevations and architectural details are consistent with the Huntington Corporate Business Park - Urban Design Guidelines. The Urban Design and Cultural Heritage Division recommends that the north elevation (facing Gibraltar Road) be enhanced to include a variety in the building materials (i.e. proposed curtain wall and vision and spandrel glass). The colour palette should also be enhanced to add visual interest to the elevation. The Owner has agreed to provide the additional glazing and cladding to enhance the north elevation.

Additional landscaping is recommended along the south property line (outside of the TransCanada Pipeline easement) to screen the rear loading area, given the visibility of the building and site from Highway 407. The landscaped area should include additional coniferous tree plantings (i.e. Colorado Blue Spruce) within the 14 m landscape strip abutting the rear lot line. A 1.5 m high black chain link fence with an appropriate applique will be required for screening purposes should a future trail connection be established, to the satisfaction of the Urban Design and Cultural Heritage Division. The Owner has agreed to the recommendations to include additional coniferous tree plantings and the fencing details along the rear property line.

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, lighting plans, and signage, prior to the execution of the Site Plan Agreement. A condition to this effect is included in the recommendation of this report.

Cultural Heritage staff have advised there are no 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”; and*
- 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 Government and Consumer Services.”*

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

The Development Engineering (“DE”) Department has no objection to the proposal subject to the conditions in this report

The DE Department has no objection to the proposal in-principle. The DE Department must approve the final site plan, site grading and servicing plan, and Stormwater Management Report, Functional Servicing Report, Traffic Impact Study submitted in support of this application prior to the execution of the Site Plan Agreement. A condition to this effect is included in the Recommendation of this report.

The Environmental Services Department, Solid Waste Management Division has no objection to the proposal, subject to the conditions in this report

The Owner has submitted a Waste Collection Design Standards Submission form which is being reviewed by the City. The Environmental Services Department, Solid Waste Management Division shall approve the final waste management site plan, floor plan, and waste collection design standards submission. A condition to this effect is included in the Recommendation of this report.

The Financial Planning and Development Finance Department has no objection to the proposal and advises that development charges are applicable

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 clause to this effect will be included in the Site Plan Agreement.

The Real Estate Department has no objection to the proposal and has advised that cash-in-lieu of the dedication of parkland is not required

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 Limited).

The Parks Development Department has no objection to the proposal subject to the conditions in this report

The Parks Development Department will require an easement on the Subject Lands in favour of the City for a future trail system. The Parks Development Department has requested a clause regarding the requirement for a blanket easement, form part of the Site Plan approval and be included in the Site Plan Agreement. A condition to this effect is included in the Recommendation of this report.

The Ministry of Transportation (“MTO”) has no objection to the proposal in principle and will require an approved MTO Building and Land Use Permit, prior to execution of the Site Plan Agreement

The MTO Highway Corridor Management has advised that the Subject Lands are located within the MTO Permit Control Area and therefore, an MTO Building and Land Use Permit is required prior to the commencement of any site construction/works. 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 is required from the MTO.

The MTO requires additional details to be provided regarding the drainage control on the Subject Lands. The Owner is required to provide this detail and satisfy all of MTO's requirements prior to execution of the Site Plan Agreement. A condition to this effect is included in the Recommendation of this report.

TransCanada PipeLines Limited has no objection to the proposal, subject to the conditions in this report

TransCanada Pipelines Limited has advised that there is a high pressure natural gas pipeline that traverses the south and east portions of the Subject Lands, as shown on Attachments #3 and #4. TransCanada PipeLines Limited 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 financial requirements associated with this application.

Broader Regional Impacts/Considerations

The York Region Community Planning and Development Services Department has reviewed the proposal and has no objection to the Site Development application.

Conclusion

Site Development File DA.17.119 has been reviewed in consideration of the policies of VOP 2010, the requirements of Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The proposed employment building conforms to the Official Plan, the use complies with Zoning By-law 1-88, and is considered to be compatible with the surrounding land uses. Accordingly, the Development Planning Department can support the approval of Site Development File DA.17.119, subject to the recommendations in this report.

For more information, please contact: Natalie Wong, Planner, Extension 8866.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Building Elevations

Prepared by

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