

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 23, 2018

Item 7, 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.

7 SITE DEVELOPMENT FILE DA.17.112 300 GIBRALTAR LIMITED 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 May 8, 2018, be approved; and**
- 2) That the coloured elevation submitted by the applicant be received.**

Recommendations

1. THAT Site Development File DA.17.112 (300 Gibraltar Limited) BE APPROVED, to permit a proposed one-storey 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, 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, Stormwater Management Report and Functional Servicing Brief;
 - iii) the Owners of the subject lands and the abutting lands to the west (150 Gibraltar Road) shall successfully obtain approval of a Consent Application for the required reciprocal access easements over the Subject Lands and the abutting property to the west for the shared driveway access, as identified in this report, from the Vaughan Committee of Adjustment ("Committee"), and the Committee's decision shall be final and binding and the Owner shall satisfy any conditions of approval imposed by the Committee; and
 - iv) 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,

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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, 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 shall be registered on title. Upon occurrence of these items, the City shall register a Transfer, Release and Abandonment of the Blanket Easement.”

- ii) “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;
 - 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 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.”
- iii) “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.”
- iv) “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.”

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- v) “Storage of materials and/or equipment on TransCanada’s right-of-way is not permitted”
- 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 a five (5) metre continuous access way in the right-of-way is provided for the TransCanada repair crews;
 - 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;
 - Shrubs maturing at less than five (5) feet tall shall maintain a separation of five (5) metres from the edge of the pipeline; and
 - A minimum of five (5) metres between all groups of trees/shrubs will be established. A group is defined as 3 to 5 trees/shrubs.”
- 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 clauses ii) to ix) inclusive above.”
- xi) “Should archaeological resources be found on the property

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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 Region Police Department, the Regional Coroner, and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business 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: 2

**TITLE: SITE DEVELOPMENT FILE DA.17.112
300 GIBRALTAR LIMITED
VICINITY OF REGIONAL ROAD 50 AND GIBRALTAR ROAD**

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.17.112 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 the Committee of the Whole to permit a one-storey, 26,375.36 m² employment building.
- The proposed development conforms to the Vaughan Official Plan 2010 ("VOP 2010") and complies to Zoning By-law 1-88.
- The Development Planning Department supports the approval of the proposed development as it conforms with VOP 2010 and Zoning By-law 1-88, and 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.17.112 (300 Gibraltar Limited) BE APPROVED, to permit a proposed one-storey 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, 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, Stormwater Management Report and Functional Servicing Brief;
 - iii) the Owners of the subject lands and the abutting lands to the west (150 Gibraltar Road) shall successfully obtain approval of a Consent Application for the required reciprocal access easements over the Subject Lands and the abutting property to the west for the shared driveway access, as identified in this report, from the Vaughan Committee of Adjustment ("Committee"), and the Committee's decision shall be final and binding and the Owner shall satisfy any conditions of approval imposed by the Committee; and
 - iv) 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, 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 shall be registered on title. Upon occurrence of these items, the City shall register a Transfer, Release and Abandonment of the Blanket Easement."

- ii) “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;
 - 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”);
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 - Using any explosives within 300 m of TransCanada’s pipeline right-of-way.”
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- iv) “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.”
- v) “Storage of materials and/or equipment on TransCanada’s right-of-way is not permitted”
- 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 a five (5) metre continuous access way in the right-of-way is provided for the TransCanada repair crews;

- 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;
 - Shrubs maturing at less than five (5) feet tall shall maintain a separation of five (5) metres from the edge of the pipeline; and
 - A minimum of five (5) metres between all groups of trees/shrubs will be established. A group is defined as 3 to 5 trees/shrubs.”
- 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 clauses 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 Region Police Department, the Regional Coroner, and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.”

Background

The 5.62 ha vacant Subject Lands (the “Subject Lands”) are located on the north side of Gibraltar Road, west of Highway 427, as shown on Attachment #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 (“VOP 2010”) and complies with Zoning By-law 1-88

The Subject Lands are identified as “Employment Areas” within the Urban Structure of VOP 2010, and are designated “General Employment” and “Natural Areas” by VOP 2010, specifically Volume 2, Area Specific Policy 12.12 – Huntington Business Park. “General Employment” areas are characterized by low scale buildings with a variety of lot sizes to provide flexibility for attracting and accommodating a wide range of industrial and associated employment uses including manufacturing, warehousing, processing and distribution uses, located wholly within enclosed buildings, any of which may or may not include outdoor storage. However, outside storage is not permitted on a corner lot.

Office and/or retail uses accessory to and directly associated with any of the permitted uses are permitted, provided that the accessory use is located on the same lot as the primary use, and any combination of accessory office and retail uses does not exceed 49% of the total gross floor area (“GFA”) devoted to the primary use. Accessory retail is further restricted to no more than 10% of the total GFA devoted to the primary use. The proposed 26,375.36 m² employment building has a combined 2,131.49 m² office component, representing approximately 8.1% of the total GFA of the building, thereby conforming to this policy. Outside storage is not being proposed.

The proposed development conforms to the policies of VOP 2010.

The Subject Lands are zoned EM2 General Employment Area Zone by Zoning By-law 1-88, as shown on Attachment #2. The proposed employment building is a permitted use and complies with all of the development standards of Zoning By-law 1-88.

The Development Planning Department supports the proposed Site Development Application, subject to the conditions in this report

The Subject Lands are currently vacant. The proposed site plan is shown on Attachment #3. The proposed building consists of two units. Unit 1 is 17,505.72 m² in

GFA including a 1,404.35 m² office component. Unit 2 is 8,756.19 m² in GFA including a 727.14 m² office component. The building is to be served by 408 surface parking spaces.

The Owner is seeking approval for the entire employment building through the subject Site Development application, however it is anticipated that the construction of the building will be phased. Unit 1 (Phase 1) is proposed to be constructed first, with the remainder of the site to be landscaped with grass until Unit 2 (Phase 2) is constructed. Access to the Subject Lands is proposed from two driveways on Gibraltar Road, including a shared access with the adjacent lands to the west (on the north side of Gibraltar Road) and an exclusive access on the west side of Gibraltar Road.

The Subject Lands are located within the Huntington Corporate Business Park and therefore, the proposed building is subject to the Huntington Corporate Business Park Urban Design Guidelines, (the "Guidelines"). The east elevation facing Gibraltar Road is designed with additional glazing and spandrel glass, based on feedback received from the Urban Design and Cultural Heritage Division. The proposed loading area on the west side of the building is screened from Gibraltar Road by a wall that extends from the main building and incorporates the same building materials and design as the main building. The proposed elevations and architectural details of the building are generally consistent with the Guidelines.

The final building elevations and landscape plan shall be approved to the satisfaction of the Development Planning Department. A condition to this effect is included in the Recommendation section of this report.

Landscaping comprised of coniferous and deciduous trees is proposed along and in front of the screen wall and around the perimeter of the stormwater management pond. Detail planting, such as shrubs, are provided to enhance the landscaping proposed on the east side of the Subject Lands abutting Gibraltar Road.

A total of 408 parking spaces are proposed on the Subject Lands, including 11 accessible parking spaces. The Transportation Division of the Development Engineering ("DE") Department has requested the installation of a pedestrian connection from the building to the future sidewalk, along the south side of Gibraltar Road. Bicycle racks are proposed near the main entrances of the building. Reciprocal access easements over the Subject Lands and abutting property to the west are required for the shared driveway access. A condition to this effect is included in the Recommendation section of this report.

The Development Planning Department is generally satisfied with the development proposal, subject to the approval of the final site plan, building elevations, landscape plan, landscape cost estimate, illumination plan, and signage, prior to the execution of

the Site Plan Agreement. 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.

The Development Engineering (“DE”) Department supports the proposed development, subject to the conditions in this report

The DE Department has no objection to the proposal. The final site plan, site grading and servicing plan, Stormwater Management Report and Functional Servicing Brief submitted in support of the Application must be approved by the DE Department prior to the execution of the Site Plan Agreement. A condition to this effect is included in the Recommendation of this report.

The Financial Planning and Development Finance Department 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 standard clause will be included in the Site Plan Agreement to this effect.

The Office of the City Solicitor, Real Estate Department advises that Cash-in-Lieu of Parkland Dedication 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 North Limited/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 has reviewed the proposed development and have advised that they will require an easement on the Subject Lands in favour of the City, specifically within the lands encumbered by the TransCanada pipeline easement, for a future trail system, which the Vaughan Transportation Master Plan 2012 (TMP 2012) identifies on the Subject Lands as a Class 1 Community Multi-Use Recreational Pathway, shown conceptually on Attachment #2. The Parks Development Department has provided a clause to be included in the Site Plan Agreement regarding the conveyance of this easement, which is included in the Recommendation of this report.

The Ministry of Transportation (“MTO”) has no objection to the proposal in principle, subject to the conditions in this report

The MTO Highway Corridor Management has reviewed the Application and have determined that although the Subject Lands do not abut either Highway 427 or Highway 407, they are located within the MTO Permit Control Area. 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 the 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 the MTO.

The Owner must satisfy the requirements of the MTO prior to the execution of the Site Plan Agreement. A condition to this effect is included in the Recommendation of this report.

The TransCanada PipeLines (“TransCanada”) Limited has no objection to the proposal subject to the conditions in this report

The Application was circulated to TransCanada for review and comment, as there is a high pressure natural gas pipeline located along the east side of the subject lands, abutting Gibraltar Road, as shown on Attachment #3. The proposed development includes a driveway access over the pipeline, and therefore TransCanada requires that the Owner apply for their third-party crossing(s) through TransCanada pipelines.

TransCanada has also 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.

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.17.112 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 surrounding area context. The proposed development for an employment building conforms to VOP 2010, is permitted 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.17.112, subject to the recommendations in this report.

For more information, please contact: Letizia D'Addario, Planner, Development Planning Department, at extension 8213.

Attachments

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

Prepared by

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