

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 19, 2016

Item 12, Report No. 34, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 19, 2016.

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**SITE DEVELOPMENT FILE DA.16.036
LIVIGNO ALPS DEVELOPMENTS CORP.
WARD 4 - VICINITY OF RUTHERFORD ROAD AND KEELE STREET**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Director of Development Planning, and Senior Manager of Development Planning, dated October 5, 2016:

Recommendation

The Deputy City Manager, Planning & Growth Management, Director of Development Planning, and Senior Manager of Development Planning recommend:

1. THAT Site Development File DA.16.036 (Livigno Alps Developments Corp.) BE APPROVED, to permit the development of 3, single storey, multi-unit employment buildings with a total of 34 units and a gross floor area of 8,103.23 m², subject to the following conditions:
 - a) that prior to the execution of the Site Plan Agreement:
 - i) the Vaughan Development Planning Department shall approve the final site plan, building elevations, landscape plan, landscape cost estimate, and feature wall and signage details;
 - ii) the Vaughan Development Engineering and Infrastructure Planning Department shall approve the final site servicing and grading plan, stormwater management report, erosion and sediment control plan, and the transportation demand management plan;
 - iii) the decision of the Vaughan Committee of Adjustment for Minor Variance File A320/16 shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee;
 - iv) the Owner shall satisfy all requirements of the Toronto and Region Conservation Authority (TRCA);
 - v) the Owner shall satisfy all requirements of PowerStream Inc.;
 - vi) the Owner shall satisfy all requirements of York Region;
 - b) that the Site Plan Agreement include the following provision:
 - i) The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, in accordance with Section 51 of the *Planning Act* and City of Vaughan Policy, prior to the issuance of a Building Permit. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment.

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Contribution to Sustainability

The application implements the following Goal and Objective of Green Directions Vaughan:

Goal 4: To create a vibrant community where citizens, businesses and visitors thrive

- Objective 4.2: Ensure that the City of Vaughan attracts businesses and investment that will result in well-paying jobs for Vaughan citizens, a sustainable tax base and continuing prosperity into the 21st century

In accordance with the goal and objective identified above, the Owner has advised that the following, but not limited to, sustainable site and building features will be included in the proposed development:

- native tree species and shade trees
- drought resistant planting to mitigate water consumption
- designated carpooling spaces
- bicycle rings to promote cycling as an alternative to motor vehicles
- proximity to Regional Transit
- reduced heat island effect for all hardscaped areas
- energy conserving lighting

Economic Impact

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

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.16.036 to facilitate the development of the subject lands shown on Attachments #1 and #2 for 3, single-storey multi-unit employment buildings with a total of 34 units and a GFA of 8,103.23 m², as shown on Attachments #3 to #9.

Background - Analysis and Options

Synopsis:

The Owner proposes to construct 3, single storey multi-unit employment buildings with a total GFA of 8,103.23 m² on the subject lands. The Vaughan Development Planning Department supports the proposal as it conforms to the Official Plan, and complies with Zoning By-law 1-88 together with the recent decision of the Vaughan Committee of Adjustment, and is compatible and appropriate with the surrounding land uses.

Location

The vacant subject lands shown on Attachments #1 and #2, are located on the south side of Rutherford Road, and are bounded to the west and east by private roads, Rotational Drive and Tesma Way, respectively. The surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated "Prestige Employment" along Rutherford Road (front two-thirds of the property) and "General Employment at the rear of the site by Vaughan Official Plan (VOP) 2010, which correspond with the EM1 and EM2 Zone categories on Attachment #2. As Buildings

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“A” and “B” and half of Building “C” are located within the “Prestige Employment” designation, and the Owner is proposing prestige uses with no outdoor storage, the “Prestige Employment” provisions prevail on the site.

The “Prestige Employment” designation permits a full range of employment uses including industrial uses, manufacturing, warehousing (but not retail warehousing), processing, and distribution uses within wholly enclosed buildings, and which do not require outside storage. Accessory offices and/or ancillary retail uses directly associated with any of the above noted uses are permitted, subject to the following conditions:

- i) the gross floor area of any one ancillary retail unit generally shall not exceed 185 m²;
- ii) the total gross floor area of all ancillary retail uses on any one lot generally shall not exceed 20% of the total gross floor area of all uses on the lot or 1,000 m², whichever is less; and,
- iii) the ancillary retail use must be located within 200 m of the intersection of two arterial or collector streets;

The Owner is proposing to construct 1 eating establishment and 3 personal service shops for a total of 4 ancillary retail uses each with a maximum unit size of 200 m², and to establish a minimum unit size of 130 m² for the remaining units within Building ‘A’. The Owner advises that the 4 ancillary uses will not exceed 1,000 m² collectively, thereby meeting the intent of the policy. The proposed development does not conform with the ancillary use policies above, as the 4 units are 200 m² in size, and the subject lands are located within 400-600 m of the intersection of two arterial or collector streets.

Section 10.2.1.7 of VOP 2010 states where policies of this Plan contain numerical standards, minor variations from those standards may be permitted without an amendment to the Plan, with the exception of any variations to *floor space index*, height or environmental standards set out in Chapter 3, provided that such variations respond to unique conditions or context of a site, and are supported through a Planning Justification Report and/or Urban Design Brief to the satisfaction of the City. In accordance with Section 10.2.1.7, the Owner submitted a Planning Justification Report, prepared by Humphries Planning Group Inc. dated August 2016. A summary of the findings are provided below.

The proposed ancillary retail uses including, 1 eating establishment and 3 personal service shops, will not collectively exceed 1,000 m², and will comprise 9.9% of the total GFA of ancillary retail uses on the site. The proposed increase to the ancillary retail unit size from a maximum of 185 m² to a maximum of 200 m² is minimal and can be considered a minor variation from the standards, and therefore, conform to the Official Plan.

The subject lands are located approximately 400 m away from the intersection of Creditstone Road and Rutherford Road, and approximately 600 m away from the intersection of Keele Street and Rutherford Road, and are bound to the west by the CN MacMillan yard/pull back track, and an OS1 Open Space Zone to the east. The location the CN MacMillan yard provides no opportunity for any arterial or mid-block collector road to be constructed within Planning Block 24. In the absence of having the CN MacMillan Yard in this location within Planning Block 24, an arterial or mid-collector road could have been established, which would locate the subject lands within 200 m of two arterial or collector streets, thereby meeting the intent of the Official Plan. Given the unique conditions of the site, the location criteria would not have contemplated the distance policy in this particular circumstance, and therefore, the 200 m would not be applied. The subject lands are also located within a Primary Intensification Corridor which promotes the development of active and mixed uses, and are paramount to minimum distance location criteria policies in the “Prestige Employment” designation, which would permit ancillary retail uses on site.

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The Vaughan Development Planning Department has reviewed the Planning Justification Report, and concurs with the rationale. The proposed development of the site conforms to the Official Plan.

Zoning

The subject lands are zoned EM1 Prestige Employment Area Zone and EM2 General Employment Area Zone in the manner shown on Attachment #2, by Zoning By-law 1-88, and are further subject to Exception 9(759), which permits the proposed employment uses.

On September 8, 2016, the Vaughan Committee of Adjustment approved Minor Variance Application A320/16 to permit an increase to the maximum unit size for an eating establishment and personal service shop, a decrease to the minimum unit size within the EM1 Zone, and, a reduced landscape strip width along Rutherford Road. The Owner initially requested permission to permit up to 3 eating establishments, each with a maximum GFA of 200 m² within Building 'A' only. However, the proposal was amended at the request of the Owner and by the Vaughan Committee of Adjustment to permit one eating establishment within Building 'A' only, with a maximum GFA of 200 m². The Committee's decision must be final and binding, and the Owner shall satisfy any conditions imposed by the Committee, prior to the execution of the Site Plan Agreement. A condition to this effect is included in the recommendation of this report.

Site Plan Review

The proposed site plan, shown on Attachment #3, includes 3, single-storey multi-unit employment buildings with a total of 34 units and a GFA of 8,103.23 m². The proposal includes 212 parking spaces, 6 barrier-free spaces and 10 bicycle parking spaces. Access will be provided from Rotational Drive and Tesma Way, which are privately owned roads. Building 'A' is comprised of 14 units and will contain a maximum of 1 eating establishment, and 3 personal service shops, with other units intended for uses permitted in the EM1 Zone. Buildings 'B' and 'C' will comply with the minimum unit size of 274 m² and will not contain any eating establishments or personal service shops.

The proposed building elevations shown on Attachments #5 to #7 consist primarily of precast concrete, clear and double glazed glass windows with architectural canopies and back-lit box signage for each unit. The Owner is proposing windows above the loading doors along the south elevation of Building 'C' to mitigate any visual impact to the abutting landowner to the south. The locations of the proposed windows will be below the parapet and match the location of the windows at the front of Building 'C', as shown on Attachment #7. Additional landscaping will also be added along the rear of the subject lands between the row of parking spaces, abutting the retaining wall, as shown in Attachment #4. A new feature wall with landscaping is proposed at the north-west corner of Rotational Drive and Rutherford Road, along with pylon signage at each access driveway, as shown on Attachments #3, #8 and #9.

The landscape plan shown on Attachment #4 includes pedestrian walkways with connections to municipal sidewalks, depressed curbs for accessibility, a mix of coniferous and deciduous trees, concrete planters, and an armored stone retaining wall along the rear lot line.

The Owner's proposal for 3 personal service shops, 1 eating establishment and employment uses will require a minimum of 156 parking spaces whereas 212 spaces will be provided, and yield a surplus of 56 parking spaces. The Owner has been advised that should any outdoor patios or mezzanine levels be proposed in the future, additional variances for parking may be required, but would be reviewed on a case-by-case basis.

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The Vaughan Development Planning Department will continue to work with the Owner to finalize the details of the proposal and must approve the final site plan, landscape plan, landscape cost estimate, building elevations and pylon sign details. A condition to this effect is included in the recommendation of this report.

Vaughan Development Engineering and Infrastructure Planning (DEIP) Department

The Owner has submitted a site servicing and grading plan, erosion and sediment control plan, a stormwater management report, and water balance analysis, which has been reviewed by the DEIP Department. The DEIP Department advises that all engineering drawings must be approved to the satisfaction of the DEIP Department. A condition to this effect is included in the recommendation section of this report.

Office of the City Solicitor, Vaughan Real Estate Department

The Office of the City Solicitor, Vaughan Real Estate Department have reviewed the development proposal and appraisal report and advises that cash-in-lieu of parkland dedication will be required to be paid to the City, in accordance with the Planning Act and City of Vaughan Policy, prior to the issuance of a Building Permit. A standard clause will be included in the Site Development Agreement to this effect.

Toronto and Region Conservation Authority (TRCA)

The TRCA advises that the subject property is located in a Source Water Protection vulnerable area which is referred to as Wellhead Protection Area-Q2 (WHPA-Q2). In accordance with the WHPA-Q2 policies, the Owner has submitted a Water Balance Analysis, prepared by Cole Engineering, dated July 18, 2016, which is currently under review by the TRCA.

The Owner shall satisfy all requirements of the TRCA prior to execution of the site plan agreement. A condition to this effect has been included in the recommendation of this report.

PowerStream Inc.

PowerStream has reviewed the development proposal and advises that an easement is required over the existing primary cables and PowerStream owned equipment. The Owner is in the process of registering the draft Reference Plan to proceed with naming PowerStream to these easements. A condition to this effect is included in the recommendation of this report.

Canadian National Railway (CN)

CN has reviewed the proposal and has no objection. CN advises that the proponent shall remain responsible for ensuring that there will be no adverse drainage impacts to CN lands, and no new overland flow to CN lands in the event of a 100-year storm.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This report supports the following priority set forth in the Term of Council Service Excellence Strategy Map (2014-2018):

- Attract investment and create jobs

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Regional Implications

The subject lands are located on a Regional Road. The York Region Community Planning and Development Services Department has no objection to the development proposal. The Owner shall satisfy all requirements of York Region. A letter of approval with conditions has been issued by the Region, where all conditions must be fulfilled to the satisfaction of the York Region Community Planning and Development Services Department. A condition to this effect is included in the recommendation of this report.

Conclusion

Site Development File DA.16.036 has been reviewed in consideration of VOP 2010, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The Vaughan 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. Accordingly, the Vaughan Development Planning Department can support the approval of Site Development File DA.16.036, subject to the recommendations in this report, including that the decision of the Vaughan Committee of Adjustment for Minor Variance Application A320/16 being final and binding, prior to the execution of the implementing site plan agreement.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Elevations - Building "A"
6. Elevations - Building "B"
7. Elevations - Building "C"
8. Feature Wall (Rutherford Road)
9. Pylon Sign

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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.)