

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 9, 2014

Item 25, Report No. 36, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on September 9, 2014.

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**SITE DEVELOPMENT FILE DA.13.057
JOHN DUCA (2225955 ONTARIO LTD.)
WARD 3 - VICINITY OF WESTON ROAD AND HIGHWAY 407**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning, dated September 2, 2014, be approved;**
- 2) That the deputation of Mr. Oz Kemal, MHBC, Weston Road, Woodbridge, be received; and**
- 3) That the coloured elevation drawings submitted by the applicant be received.**

Recommendation

The Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning recommend:

1. THAT Site Development File DA.13.057 (John Duca (2225955 Ontario Ltd.)) BE APPROVED, to permit the development of a 1,390 m² car brokerage, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i. the final site plan, landscape plan, and building elevations shall be approved to the satisfaction of the Vaughan Planning Department;
 - ii. the final site grading and servicing plan, functional servicing report and storm water management report shall be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department;
 - iii. the Owner shall successfully obtain approval of a Minor Variance Application for the required 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;
 - iv. the Owner shall satisfy all requirements of York Region; and,
 - b) that the Site Plan Letter of Undertaking include the following clause:

"Prior to the issuance of a Building Permit, the Owner shall submit a Record of Site Condition (RSC), which includes Ministry of the Environment (MOE) Acknowledgement of the filing on the Environmental Site Registry, to the satisfaction of the Vaughan Development/Transportation Engineering Department."
2. THAT the Owner shall pay cash-in-lieu of parkland dedication, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's "Cash-In-Lieu of Parkland Policy".

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3. THAT prior to the issuance of a Building Permit for any works related to parking within the Ministry of Transportation (MTO) 8 m setback (south side of site), the Owner shall satisfy all conditions of the MTO, including obtaining an MTO Land Use Permit.

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:

- roofing using a reflective coating sprayed on the ballast to reduce the urban heat island effect
- curtain wall cladding to allow natural light to penetrate the building interiors
- landscaped areas along the property perimeter will be sodded and landscaped with native water efficient and drought-resistant plants
- bike racks will be provided to facilitate alternatives to vehicular use

Economic Impact

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

Communications Plan

N/A

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.13.057 (John Duca (2225955 Ontario Ltd.)) respecting the subject lands shown on Attachments #1 and #2 to facilitate the development of a 1,390 m² car brokerage with 24 parking spaces at-grade and 29 parking spaces below grade, as shown on Attachments #3 to #6.

Background - Analysis and Options

Location

The subject lands are located on the southeast corner of Century Place and Weston Road, being southwest of Highways #400 and #407, shown as "Subject Lands" on Attachments #1 and #2.

Site History

On September 27, 2011, Vaughan Council approved Zoning By-law Amendment File Z.09.039 and Site Development File DA.10.094 to permit the development of a 10-storey, 13,918 m² office building including 877.6 m² of retail uses on the ground floor on the subject lands, as shown on Attachment #7. On December 13, 2011, Vaughan Council enacted the implementing Zoning By-law Number 224-2011.

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In July of 2013, the Owner submitted revised Site Development File DA.13.057 to permit the development of a 7-storey, 9,770 m² office building, together with a 2-storey, 1,740 m² building to be used for a car brokerage and office uses. This proposal included surface parking on 5,877 m² of lands that are owned by the applicant to the south of the subject lands, located within the hydro corridor. The application was recently revised to the current proposal, which is the subject of this report, to facilitate the relocation of the existing Daytona Automobile Dealership located in the Regional Road 7 and Kipling Avenue area, to the subject lands.

Official Plan

The applications were submitted in July 2013, and are therefore being reviewed in consideration of OPA #450, the in-effect Official Plan at that time. The subject lands are designated "Prestige Area" by in-effect OPA #450, which permits a wide range of employment uses. The implementing zone category is EM1 Prestige Employment Area Zone, which permits a Car Brokerage, and the accessory service use is wholly enclosed and considered functionally any physically compatible with the surrounding employment area. The proposed car brokerage use conforms to OPA #450. The subject lands are designated "Prestige Employment" by Vaughan Official Plan 2010 (VOP 2010).

Zoning

The subject lands are zoned EM1 Prestige Employment Area Zone by By-law 1-88, subject to Exception 9(1362), which permits a car brokerage use. The following site-specific exceptions to Zoning By-law 1-88 are required to implement the proposed development:

Table 1:

	By-law Standard	By-law 1-88 Requirements (EM1 Prestige Employment Area Zone, Subject to Exception 9(1362))	Proposed Exceptions to By-law 1-88 (EM1 Prestige Employment Area Zone, Subject to Exception 9(1362))
a.	Definition of Car Brokerage	Car Brokerage - means a building or part of a building used for the sales/leasing/rental of passenger vehicles and shall not include the sale or automotive parts, mechanical repairs or autobody repairs, or the outdoor display or storage of motor vehicles.	Car Brokerage - means a building or part of a building used for the sales/leasing/rental of passenger vehicles and shall include mechanical repairs or autobody repairs. No outdoor display or storage of motor vehicles is permitted.
b.	Minimum Number of Parking Spaces	468 spaces (based on former 10-storey office building proposal)	53 spaces
c.	Minimum Parking Space Size	2.7 m X 5.8 m	2.7 m X 5.7 m (6 parking spaces as shown on Attachment #3)

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d.	Minimum Landscape Strip Width Abutting Century Place	3 m	1.5 m
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A car brokerage is permitted as-of-right on the subject lands, which permits the sales, leasing and rental of vehicles, however does not permit mechanical or autobody repairs. The Vaughan Planning Department has no concerns with including the mechanical or autobody repairs of vehicles component to the car brokerage use, as this service would occur wholly within and at the back of the building, with no outside display or storage of vehicles, thereby posing no impacts to adjacent uses. The proposed zoning exception to the parking requirement is required as the site-specific by-law for this site required 468 parking spaces to accommodate the previously approved 10-storey, 13,918m² office building, and can be supported. Furthermore, Zoning By-law 1-88 would require that 42 parking spaces (1,390 m² @ 3 spaces/100 m²) be provided for a car brokerage, and 53 spaces are proposed. Finally, the proposed variances to the landscape strip width and the dimensions of 6 parking spaces (Attachment #3) occur primarily at a “pinch-point” on the site, as the lot is irregularly shaped. The Vaughan Planning Department has no objections to the proposed zoning exceptions as the proposal will facilitate a well-designed development at this location.

Should this application be approved by Vaughan Council, the Owner is required to submit a Minor Variance application to the Vaughan Committee of Adjustment for the above noted exceptions, and successfully obtain the Committee's approval, and the Committee's decision shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee prior to the finalization of the Site Plan Letter of Undertaking. A condition to this effect is included in the recommendation of this report.

Site Plan Review

The proposed site plan is shown on Attachment #3. The 1-storey building is to be served by an access driveway on Century Place, which is a private road. The proposed development includes 24 parking spaces at grade and 29 parking spaces below grade. 9 additional surface parking spaces are proposed along the south limit of the property within an 8.0 m wide setback from the Ministry of Transportation (MTO) 30 m wide Transitway right-of-way corridor being protected by the MTO. The Ministry has approved a reduced setback of 8 m from the MTO right-of-way for this development, whereas the setback is usually 14 m. The 9 spaces are not included in the overall parking supply as there is a potential that they could be removed for a future widening for the MTO's transitway line, which may be located to the north of the CN Rail line shown on Attachment #2.

The proposed building elevations are shown on Attachments #5 and #6. The elevations incorporate glass and pre-cast. The landscape plan is shown on Attachment #4 and consists of coniferous and deciduous trees, shrubs and ornamental grasses, and includes 6 bicycle racks adjacent to the eastern entrance of the building.

The Vaughan Planning Department is generally satisfied with the proposed site plan, building elevations and landscape plan, as shown on Attachments #3 to #6. Prior to the execution of the Site Plan Letter of Undertaking, the final site plan, building elevations and landscape plan must be approved to the satisfaction of the Vaughan Planning Department. A condition to this effect is included in the recommendation of this report.

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Vaughan Development/Transportation Engineering Department

The Owner has submitted a site servicing and grading plan, and functional servicing/storm water management report, which must be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department, prior to the execution of the Site Plan Letter of Undertaking. A condition to this effect is included in the recommendation of this report.

The Development/Transportation Engineering Department advises that the Owner must provide a copy of the mutual agreement for the shared access and servicing for access to the subject property (via private access road - Century Place).

Phase One and Phase Two ESA reports were completed by Patriot Engineering for the subject property and reviewed by the City. The Phase Two ESA had indicated one exceedence for a zinc parameter in a sample of soil recovered from the existing on-site berm. It is the Development/Transportation Engineering Department's understanding that: the proposed development is not changing to a more sensitive land use as defined under O. Reg. 153/04 (as amended); the proponent has certified that the berm will remain on-site and will not be disturbed by the proposed development; and the proponent's environmental consultant has provided certification through a risk evaluation letter that the zinc is a localized impact that will not impact users of the site and has low probability of migrating off-site. As the ESA and Risk Evaluation reports have been submitted and documented, and that there are no potential environmental concerns for the proposed development or to users of the site, the Development/Transportation Engineering Department has no objections to the application proceeding to Committee of the Whole.

The Phase 1 Environmental Site Assessment submitted in support of the application has been reviewed to the satisfaction of the Vaughan Development/Transportation Engineering Department. However, prior to the issuance of a Building Permit, the applicant must submit the Implementation Report on Remediation, accompanied by ESA Phase 1, 2 and 3 studies, with verification samplings and chemical analysis indicating compliance with the appropriate MOE standards, to the Development/Transportation Engineering Department for review and approval. A condition to this effect is included in the recommendation of this report.

Vaughan Real Estate Division

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 42 of the Planning Act and City of Vaughan Policy. 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.

Ministry of Transportation (MTO)

The application has been reviewed by the MTO. A hydro corridor is located to the south of the subject lands as shown on Attachment #2. Lands within the hydro corridor may be required for

the MTO Transitway alignment or station facilities. The MTO requires a minimum 14 m setback for all above and below grade structures and permanent land uses from the existing or any future right-of-way limits. However, the MTO is permitting an 8 m building setback (including driveways and parking) for the proposed development. The Owner will be required to satisfy all conditions of the MTO, including approval of the stormwater management report, and obtaining an MTO Land Use Permit.

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Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

i. **Lead and Promote Environmental Sustainability**

The Owner will be incorporating the sustainable site and building features identified in this report.

ii. **Plan and Manage Growth & Economic Vitality**

The proposed development implements the City's current Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010.

Regional Implications

York Region has approved the application in principle, subject to Regional conditions. The Owner must enter into a Regional Site Plan Agreement with York Region with respect to conveyances, encroachments, and servicing works. The Owner is required to satisfy all conditions of the Region. A condition to this effect is included in the recommendation of this report.

Conclusion

Site Development File DA.13.057 has been reviewed in accordance with the policies of VOP 2010, OPA #450, the requirements of Zoning By-law 1-88, comments received from City Departments and external public agencies, and the surrounding area context. The Vaughan Planning Department is satisfied that the proposal to facilitate a 1,390 m² car brokerage as shown on Attachments #3 to #6 inclusive is appropriate and compatible with the surrounding land uses. Accordingly, the Vaughan Planning Department can support the approval of the Site Development Application, subject to the recommendations in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Elevation Plan
6. Building Rendering
7. Site Plan Approved by Vaughan Council on September 27, 2011

Report 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.)