

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 30, 2012

Item 17, Report No. 39, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 30, 2012.

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**SITE DEVELOPMENT FILE DA.08.062
BLACKWOOD REAL ESTATE GENERAL PARTNER I LTD.
WARD 3 - VICINITY OF HIGHWAY 407 AND WESTON ROAD**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated October 16, 2012, be approved;**
- 2) That Confidential Communication C5 from Legal Counsel, dated October 11, 2012, be received; and**
- 3) That the coloured elevation drawings submitted by the applicant be received.**

Recommendation

The Commissioner of Planning recommends:

1. THAT the Ontario Municipal Board be advised that the City of Vaughan Council ENDORSE Site Development File DA.08.062 (Blackwood Real Estate General Partner 1 Ltd.) that is currently before the Ontario Municipal Board, to facilitate the development of seven multi-unit buildings with a total gross floor area of 9,941.33 m² to be used for service commercial and prestige employment uses, as shown on Attachments #3 to #11, 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 including removing all signage at the mezzanine level shall be approved by the Vaughan Development Planning Department;
 - ii) the Owner shall amend the site plan and landscape plan to include a sidewalk on the east side of Weston Road, between Century Place and the northern driveway, and two pedestrian walkways through the Ministry of Transportation's setback on the westerly portion of the site, as shown on Attachment #13. The sidewalk and pedestrian walkways shall be approved by the Ministry of Transportation, the 407ETR, the Region of York, and be to the satisfaction of the Development Planning Department;
 - iii) the final site servicing and grading plan and stormwater management plan shall be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department;
 - iv) the final waste management plan and waste collection design standards submission shall be approved to the satisfaction of the Vaughan Public Works Department;
 - v) the Owner shall satisfy all requirements of the Ministry of Transportation, and obtain a Ministry Building and Land Use Permit; and,
 - vi) the Owner shall satisfy all requirements of the Region of York Transportation and Community Planning Department; and,

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b) that the Site Plan Letter of Undertaking include the following provisions:

- i) "In the EM1 Prestige Employment Zone, the Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of dedication of parkland equivalent to 2% of the value of the employment/industrial land, in accordance with Section 51 of the Planning Act and the City of Vaughan's Cash-in-lieu Policy. The cash-in-lieu payment in accordance with Section 42 of the Planning Act will not be required so long as the Council Policy waiving such payment remains in effect for industrial land. In the C7 Service Commercial Zone, 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 commercial land, in accordance with Section 42 of the Planning Act and the City of Vaughan's Cash-in-lieu Policy.

The Owner shall submit an appraisal of the subject lands (both employment/industrial and commercial 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."

- ii) "That prior to release of a separate Site Plan Letter of Credit, the Owner shall design and construct at no cost to the City, a 1.5m wide sidewalk (at \$90/metre), on the east side of Weston Road between Century Place and the northern driveway (across from the 407ETR ramp), and two pedestrian connections to the sidewalk as per the approved site plan, to the satisfaction of the City of Vaughan, Region of York, 407ETR and Ministry of Transportation. The Owner shall obtain all necessary approvals to construct the sidewalk. The Owner shall post this Site Plan Letter of Credit to the City, to construct the sidewalk and pedestrian connections incurred by the value of the sidewalk."

Contribution to Sustainability

The Owner has advised that the site and building design will incorporate the following sustainable features and initiatives:

- i) bicycle parking to support active modes of transportation;
- ii) existing trees along the Weston Road frontage will be preserved in accordance with the approved Tree Preservation Plan;
- iii) permeable pavers will be utilized on select areas of the site to reduce runoff and increase site permeability;
- iv) implement a white roof system for all buildings to reduce the heat island effect; and,
- v) provide low-E argon window units.

Economic Impact

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

Communications Plan

N/A

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Purpose

The Owner has submitted Site Development File DA.08.062 to permit the development of seven multi-unit buildings with a total gross floor area of 9,941.33 m² to be used for service commercial and prestige employment uses, as shown on Attachments #3 to #11.

Background - Analysis and Options

Location

The 3.93 ha subject lands are located on the east side of Weston Road, south of Highway 407, as shown on Attachments #1 and #2. The subject lands are vacant and the surrounding land uses are shown on Attachment #2.

Background

On November 24, 2009, Council approved related Zoning By-law Amendment File Z.08.063 (Blackwood Real Estate General Partner I Ltd.) which rezoned the subject lands from PBM7 Parkway Belt Industrial Zone to EM1 Prestige Employment Area Zone and C7 Service Commercial Zone with site-specific exceptions, to permit employment and service commercial uses on the subject lands. This site-specific by-law (By-law 291-2009) is in effect as of December 14, 2009. Site Development File DA.08.062 complies with Zoning By-law 1-88, as amended by By-law 291-2009.

A technical report respecting Site Development File DA.08.062 was considered by the Committee of the Whole on June 5, 2012, and subsequently by Vaughan Council on June 26, 2012, which adopted the following resolution (in part) deferring the item to a future Committee of the Whole meeting:

“That this matter be referred back to Staff for further consultation with the applicant.”

On June 11, 2012, the Development Planning Department met with the applicant to discuss the issues raised at the Committee of the Whole meeting. Specifically, Council was of the opinion that the subject lands could be developed with a more significant land use (e.g. office building). The Owner advised staff that they still want to proceed with the original development of 7 multi-unit buildings for service commercial and prestige employment uses, with modifications. The Owner also met with some members of Council and reiterated the same position.

Accordingly, Planning staff has prepared this report to advise Council of the Owner's position in light of the upcoming Ontario Municipal Board Hearing as discussed below.

Ontario Municipal Board (OMB) Appeal

On July 31, 2012, the Owner filed an appeal with the OMB, under Section 41(12) of the *Planning Act*, for Council's failure to make a decision. The OMB has scheduled a full-day hearing for November 9, 2012.

Revised Submission

On July 27, 2012, the Owner submitted revised plans to the Development Planning Department for review. The changes made to the plan include the following:

- i) The first change is technical in nature. The proposed GFA on the site has been changed to 9,941.33m² to reflect the correct GFA. The previous GFA on site was identified as 14,189.15m² and was incorrectly provided on the drawings.

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- ii) The previous site plan required the following variances: Maximum Gross Floor Area for Uses within the C7 Service Commercial Zone (5,650m²); and, Minimum Unit Sizes with the EM1 Prestige Employment Area Zone (100m² for the entire site and 60m² for units D1, D13 and D24). The Owner has revised the unit sizes and configurations and there are no longer any variances required. The minimum unit sizes comply with Zoning By-law 1-88, as amended. The Development Planning Department has no concerns with this revision.
- iii) The latest submission (site plan and landscape drawings) has been revised to remove the previously proposed sidewalk on the east side of Weston Road, between Century Place and the northern driveway, as well as two pedestrian walkways through the Ministry of Transportation's setback on the westerly portion of the site. The Development Planning Department does not concur with these changes, and recommends that the sidewalk and pedestrian connections be reinstated, as previously approved. A condition to this effect is included in the recommendation of this report.

The above noted revisions will be discussed in greater detail in the Site Plan section of this report.

Official Plan

The subject lands are designated "Prestige Area" (adjacent to Weston Road and Highway 407) and "Employment Area General" (interior portion of lot) by OPA #450 (Employment Area Plan). The proposed site development conforms to the in-effect Official Plan.

The subject lands are designated "Prestige Employment" (adjacent to Weston Road and Highway 407) and "General Employment" (interior portion of lot) by the new City of Vaughan Official Plan 2010 (as modified September 27, 2011, March 20, 2012 and April 17, 2012), which is pending approval from the Ontario Municipal Board. The proposed uses conform to the City of Vaughan Official Plan 2010.

Zoning

The subject lands are zoned C7 Service Commercial Zone (adjacent to Weston Road) and EM1 Prestige Employment Area Zone (remainder of the lot) by Zoning By-law 1-88, subject to Exception 9(1332), as shown on Attachment #2. The proposal complies to the C7 Service Commercial Zone and EM1 Prestige Employment Area Zone.

Site Plan Review

The Owner is proposing to develop the subject lands with seven multi-unit buildings (shown on Attachment #3), to be used for service commercial and prestige employment uses, as follows:

i)	Building "Ax" (service commercial)	1,402.81 m ²
ii)	Building "Ay" (service commercial)	2,346.11 m ²
iii)	Building "B" (prestige employment with one service commercial unit)	1,669.47 m ²
iv)	Building "C" (prestige employment)	1,213.37 m ²
v)	Building "D1" (prestige employment)	1,097.45 m ²
vi)	Building "D2" (prestige employment)	1,190.12 m ²
vii)	Building "D3" (prestige employment)	1,022.00 m ²
	Total Gross Floor Area:	9,941.33 m ²

As part of the Owner's revisions to the proposal, the total Gross Floor Area was reduced from

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14,189.15 m² to 9,941.33 m². This is due to an error provided on the plans. The building footprints remain the same as the previous proposal reviewed by the Committee of the Whole on June 5, 2012.

The Development Planning and Development/Transportation Engineering Departments recommend that the Owner construct a sidewalk on the east side of Weston Road, between Century Place and the northern driveway, as well as two pedestrian walkways through the Ministry of Transportation's (MTO's) setback on the westerly portion of the site, as per the recommendations of this report. This would facilitate continuous pedestrian access to the site, as shown on Attachment #13, and approval is subject to the Ministry of Transportation (MTO), the 407ETR, the Region of York, and the City of Vaughan. The Owner must amend the proposed site plan and landscape plan to incorporate the recommended walkway to the satisfaction of the Development Planning Department. The Development/Transportation Engineering Department has also provided a condition of approval requiring the Owner to construct the sidewalk at no cost to the City. Conditions to this effect are included in recommendation of this report.

The proposed site plan has 559 parking spaces, including 25 interior parking spaces (located within units in Buildings "Ax", "Ay" and "B"), whereas Zoning By-law 1-88 requires 554 parking spaces for the proposed development. Adding the recommended pedestrian walkways will remove four parking spaces from the site, for a total of 555 spaces, which still complies with Zoning By-law 1-88.

The landscape plan shown on Attachment #4 consists of coniferous and deciduous trees, shrubs, flowers, and grasses. Some existing trees along the Weston Road frontage will be preserved in the proposed development. The plan includes a landscaped pedestrian walkway, which bisects buildings "Ax" and "Ay", along with permeable paving materials and bicycle racks on select areas of the site.

The seven proposed building elevations are shown on Attachments #5 to #11. All of the proposed buildings are one-storey multi-unit buildings with mezzanines. Buildings "Ax" and "Ay" (service commercial uses) are comprised of white precast panels with blue tint spandrel glass windows in aluminum frames. The corner treatments incorporate blue tint curtain walls, while the individual unit entrances have fabric canopies. Buildings "B", "C", "D1", "D2", and "D3" (prestige employment uses) are comprised of grey precast panels with clear glazed windows in anodized aluminum frames.

It is noted that the proposed building elevations shown on Attachments #5 to #11 include tenant signage at both the ground floor and mezzanine levels. The proposed units are intended for single use occupancy and therefore, signage at the mezzanine level is not required as typically single tenants do not utilize multiple signage on the front unit elevations. The multiple signage also implies that the mezzanine units will be occupied by a second user, which is not permitted by Zoning By-law 1-88. Multiple users may also impact on the required parking for the property. Accordingly, it is recommended that the building elevations be revised to delete the proposed signage at the mezzanine level. A condition of approval is included in this respect.

The Development Planning Department is generally satisfied with the proposed site plan, landscape plan, and building elevations, subject to the inclusion of the previously proposed sidewalk on the east side of Weston Road, between Century Place and the northern driveway, and two pedestrian walkways through the MTO's setback on the westerly portion of the site. A condition to this effect is included in the recommendation of this report.

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the Site Development Application and recommends that the Owner construct a sidewalk on the east side

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of Weston Road, between Century Place and the northern driveway, and two pedestrian walkways through the Ministry of Transportation's (MTO's) setback on the westerly portion of the site, at no cost to the City of Vaughan, to ensure the availability of safe and continuous sidewalks and a pedestrian network that is safe and accessible for all pedestrians. The final site servicing, grading and stormwater management plans must be approved by the Vaughan Development/Transportation Engineering Department. Conditions of approval are included in this report.

Ministry of Transportation (MTO)

The Ministry of Transportation has reviewed the Site Development Application, and has no concerns with stormwater management, site servicing or grading. The MTO requires a minimum 14.0 m building setback along Weston Road, which has been provided. Access to the site is permitted from Century Place only; the existing one-way driveway to the north of the site must be gated, and is reserved for PowerStream only.

The MTO has reviewed the traffic impact study submitted in support of the application, which must be revised to their satisfaction. The Owner is further required to obtain a Building and Land Use Permit from the MTO, as per the recommendation of this report.

The MTO has indicated that a future Transitway Station will be located opposite the subject lands, and that the intersection of Weston Road and Century Place will need to be developed into a fully-signalized four-leg intersection when the Transitway Station is implemented.

The MTO and 407ETR are agreeable in principle to a sidewalk on the east side of Weston Road, between Century Place and the northern driveway, as well as two pedestrian walkways at the west end of the site through the MTO's required setback. The Owner shall construct this sidewalk and pedestrian walkways, subject to approval from the MTO, the 407ETR, the Region of York, and the City of Vaughan. The Site Plan Letter of Undertaking will include a provision to this effect.

Relationship to Vaughan Vision 2020/Strategic Plan

This staff report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Manage Growth & Economic Well-being".

Regional Implications

The Region of York Transportation and Community Planning Department has reviewed the application, and has indicated that a Regional Site Plan Agreement is not required, as Weston Road between Century Place and Highway 407 is currently under the jurisdiction of the Ministry of Transportation. The Region of York has no objections to the proposed development, subject to conditions of approval. The Owner must satisfy all York Region requirements prior to the execution of the City's Site Plan Letter of Undertaking, as per the recommendation of this report.

Conclusion

The Vaughan Development Planning Department has reviewed Site Development File DA.08.062 in accordance with OPA #450, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The Development Planning Department is satisfied that the proposed development of seven multi-unit service commercial and prestige employment buildings is appropriate and compatible with the surrounding land uses. Accordingly, the Development Planning Department can support the endorsement of the Site Development Application, subject to the recommendations of this report. The Ontario Municipal Board has scheduled a one day hearing for November 9, 2012, to consider the subject site plan application.

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Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Elevations - Buildings "Ax"
6. Elevations - Buildings "Ax"
7. Elevations - Building "B"
8. Elevations - Building "C"
9. Elevations - Building "D1"
10. Elevations - Building "D2"
11. Elevations - Building "D3"
12. Rendering - Looking Northeast from Weston Road and Century Place
13. Previous Site Plan before Committee of the Whole June 5, 2012

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/CM

(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.)