

COMMITTEE OF THE WHOLE SEPTEMBER 13, 2011

**ZONING BY-LAW AMENDMENT FILE Z.09.029
SITE DEVELOPMENT FILE DA.10.094
JOHN DUCA (2225955 ONTARIO LTD.)
WARD 3**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.09.029 (John Duca / 2225955 Ontario Ltd.) BE APPROVED, specifically to amend Zoning By-law 1-88 to rezone the subject lands shown on Attachments #1 and #2 from PBM7 Parkway Belt Industrial Zone subject to Exception 9(691) to EM1 Prestige Employment Area Zone with the site-specific zoning exceptions identified in Table 1 of this report.
2. THAT Site Development File DA.10.094 (John Duca / 2225955 Ontario Ltd.) BE APPROVED, to permit the development of a 10-storey, 13,918 m² office building including 877.6 m² of retail/commercial uses on the ground floor, 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 Development Planning Department; and,
 - ii) the final site grading and servicing plan, and storm water management report shall be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department.
3. THAT prior to the issuance of a building permit, the applicant shall submit an 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 Vaughan Development/Transportation Engineering Department for review and approval.
4. 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".
5. THAT prior to the issuance of a building permit for any works related to parking on the MTO setback, the Owner shall satisfy all conditions of the MTO, including obtaining an MTO Land Use Permit.

Contribution to Sustainability

The applicant has advised that the following sustainable features will be provided within the site and building design:

- i) reflective roofing using reflective coating sprayed on the ballast to reduce the urban heat island effect;
- ii) curtain wall cladding to allow natural light to penetrate the building interiors;
- iii) the mechanical system will be controlled by a computerized energy management system that can be monitored and adjusted off-site over the internet;
- iv) the parking garage will facilitate the future installation of plug-ins for electric vehicles;

- v) landscape amenities will be provided on the roof as a roof-top patio complete with planter boxes;
- vi) landscaped areas along the property perimeter will be sodded and landscaped with native water efficient and drought-resistant plants; and,
- vii) 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

On November 6, 2009, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands, and to the East Woodbridge Community Association. The City received written correspondence, dated November 30, 2009, from MHBC Planning, Urban Design and Landscape Architecture who represents Blackwood Real Estate General Partner I Ltd, the owner of the property located immediately north of the subject lands. The letter expressed concern with the traffic/parking study submitted in support of the applications, specifically that the study does not recognize their development proposal on the north side of Century Place. The traffic/parking study has been reviewed by the Vaughan Development/Transportation Engineering Department and does include the Blackwood Real Estate lands within the analysis. The Owner does not oppose the proposed development.

The recommendation of the Committee of the Whole to receive the Public Hearing report of December 1, 2009, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Vaughan Council on December 14, 2009.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #1 and #2:

1. Zoning By-law Amendment File Z.09.039, specifically to amend Zoning By-law 1-88 to rezone the subject lands from PBM7 Parkway Belt Industrial Zone within Exception 9(691) to EM1 Prestige Employment Area Zone with the site-specific exceptions listed in Table 1 of this report; and,
2. 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 as shown on Attachments #3 to #7, inclusive.

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.

Official Plan

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Growth and Management Plan), which permits a wide range of industrial, office, business and civic uses with no outside storage. The proposed rezoning conforms to the Official Plan.

The subject lands are designated "Prestige Employment" by the new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010, and is pending approval from the Region of York. VOP 2010 limits the maximum gross floor area

devoted to office uses in a Prestige Employment designation to 7,500 m². However, the related Zoning By-law Amendment File Z.09.029 was received by the City on October 9, 2009, to implement the current in-effect OPA #450 policies, which does not include a cap on the size of an office building. In addition, the current PBM7 Parkway Belt Industrial Zone permits an office building use, however, the Applicant is proposing to rezone the subject lands to EM1 Prestige Employment Area Zone to be consistent and in conformity with the "Prestige Area" designation in OPA #450.

The proposed office building development conforms to the Official Plan.

Zoning

The subject lands are zoned PBM7 Parkway Belt Industrial Zone by Zoning By-law 1-88, subject to Exception 9(691), which permits an office building. However, the Owner is proposing to rezone the subject lands to EM1 Prestige Employment Area Zone to conform with the "Prestige Area" designation in OPA #450.

By-law 1-88 defines an "Office Building" use and permits commercial uses on the ground floor as follows:

"OFFICE BUILDING – means a building having more than one-storey used for business or professional office purposes. If an office building exceeds three (3) storeys in height, the following uses shall be permitted on the ground floor provided the combined total gross floor area of all such uses does not exceed fifteen percent (15%) of the gross floor area of the said office building.

- bank
- eating establishment
- eating establishment, convenience
- eating establishment, take-out
- health centre
- personal service shop
- pharmacy
- retail store
- a 'variety store' which mean a kiosk serving daily or occasional needs of the employees in the office building with a variety of goods such as food snacks and beverages, sundries, tobacco, stationary, magazines and newspapers, but not including groceries, meats and produce, with no direct access to the exterior of the building and a gross area not exceeding fifty (50) square metres."

The proposed zoning amendment would facilitate the development of the property with a 10-storey, 13,918 m² office building including 877.6 m² (6.3% of building GFA) of retail/commercial uses as shown on Attachments #3 to #7, and requires the following site-specific zoning exceptions:

Table 1:

	By-law Standard	By-law 1-88 Requirements (EM1 Prestige Employment Area Zone)	Proposed Exceptions to By-law 1-88 (EM1 Prestige Employment Area Zone)
a.	Maximum Building Height	15 m	43.55 m

	By-law Standard	By-law 1-88 Requirements (EM1 Prestige Employment Area Zone)	Proposed Exceptions to By-law 1-88 (EM1 Prestige Employment Area Zone)
b.	Minimum Lot Frontage	65 m	34.34 m (existing)
c.	Minimum Lot Area	8000 m ²	5,633 m ² (existing)
d.	Minimum Number of Parking Spaces	509	468
e.	Minimum Parking Space Size	2.7 m x 6.0 m	2.7 m x 5.8 m
f.	Minimum Handicapped Parking Space Size	3.9 m x 6.0 m	3.65 m x 6.0 m
g.	Minimum Number of Handicapped Parking Spaces	1 space per 100/spaces	1 space per 300/spaces
h.	Minimum Setback for Portions of the Building Below Grade (Weston Road and Century Place)	1.8 m	0 m
i.	Minimum Landscape Strip Width Abutting a Regional Road (Weston Road)	9.0 m	6.0 m
j.	Minimum Front Yard Setback (Weston Road)	9.0 m	6.0 m
k.	Maximum Driveway Width	13.5 m	22 m
l.	Loading Space between a Building and a Street	Not Permitted	Permit a Loading Space between the building and Century Place
m.	Business or Professional Offices	Permitted, but does not include offices for regulated health professionals	To permit offices for regulated health professionals

The proposed zoning exceptions to the building height, lot frontage and area, landscaping, building setback, location of the loading space, the total number and dimensions of parking

spaces, the driveway width, and the reduction to the minimum front yard setback are minor in nature and considered to be appropriate for the development of the lands. The exceptions also facilitate a building that will be located close to the street, which is desirable from an urban design perspective. The subject lands are also irregularly shaped, which will typically result in the need for zoning exceptions to facilitate the development. The Vaughan Development Planning Department has no objections to the proposed exceptions as the proposal will facilitate a well-designed office development at this location.

In addition, By-law 1-88 permits Business or Professional Offices, but not including Regulated Health Professionals within an EM1 Prestige Employment Area Zone. The Development Planning Department has no objections to permitting Regulated Health Professionals within the office building on the subject lands.

The Vaughan Development/Transportation Engineering Department has reviewed the Traffic and Parking Impact Study, dated March 2011, prepared by Rea, Voorchees & Associates, and concur with the overall study and methodology and accept its conclusions and recommendations to support the proposed reduction in the number of parking spaces.

Site Plan Review

The proposed site plan is shown on Attachment #3. The vacant 0.56 ha site is proposed to be developed with a 10-storey, 13,918 m² office building including 877.6 m² of retail uses, and will be served by 2 access driveways on Century Place, which is a private road. The proposed development includes 16 parking spaces at grade, and 4 levels of underground parking for 452 parking spaces. Twelve (12) additional surface parking spaces are proposed along the south limit of the property (Attachment #3) 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 12 spaces are not included in the overall parking supply (468 spaces) 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 #4 and #5. The elevations incorporate stone cladding on the first 3 floors and glass and steel canopies. The majority of the building is comprised of curtain wall with double glazed units in aluminum frames.

The landscape plan is shown on Attachment #6 and consists of coniferous and deciduous trees, shrubs and ornamental grasses, and includes a 6.0m wide landscape strip along Weston Road. The applicant is also proposing roof-top landscaping as shown on Attachment #7, and bike racks adjacent to the eastern entrance of the building.

The Vaughan Development Planning Department is satisfied with the proposed site plan, building elevations and landscape plan, as shown on Attachments #4 to #7 inclusive. 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 Development Planning Department. A condition to this effect is included in the recommendation of this report.

Vaughan Development/Transportation Engineering Department

The Owner has submitted a site servicing and grading plan and 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).

The Development/Transportation Engineering Department has reviewed the Traffic and Parking Impact Study dated March 2011, prepared by Rea, Voorchees & Associates, and concurs with the overall study and methodology, and accepts its conclusions and recommendations, and that the proposed 468 parking spaces is appropriate.

The Phase 1 Environmental Site Assessment submitted in support of the applications 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 applications have 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 14m 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 obtaining an MTO Land Use Permit.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

The applications have been reviewed by the Region of York. The Owner must enter into a Regional Site Plan Agreement with the Region of York with respect to conveyances, encroachments, and servicing works. The Owner is required to satisfy all conditions of the Region.

Conclusion

Zoning By-law Amendment File Z.09.029 and Site Development File DA.10.094 have been reviewed in accordance with the policies of OPA #450, the requirements of Zoning By-law 1-88, the comments received from City Departments and external public agencies, and the surrounding area context. The Development Planning Department is satisfied that the proposal to amend Zoning By-law 1-88 to rezone the subject lands from PBM7 Parkway Belt Industrial Zone to EM1 Prestige Employment Area Zone to facilitate the development of a 10-storey office building, is appropriate and compatible with the surrounding land uses. On this basis, the Development

Planning Department can support the approval of the Zoning By-law Amendment and Site Development Applications, subject to the conditions contained in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Building Elevations
5. Conceptual Renderings
6. Landscape Plan
7. Landscape Plan - Roof-Top

Report prepared by:

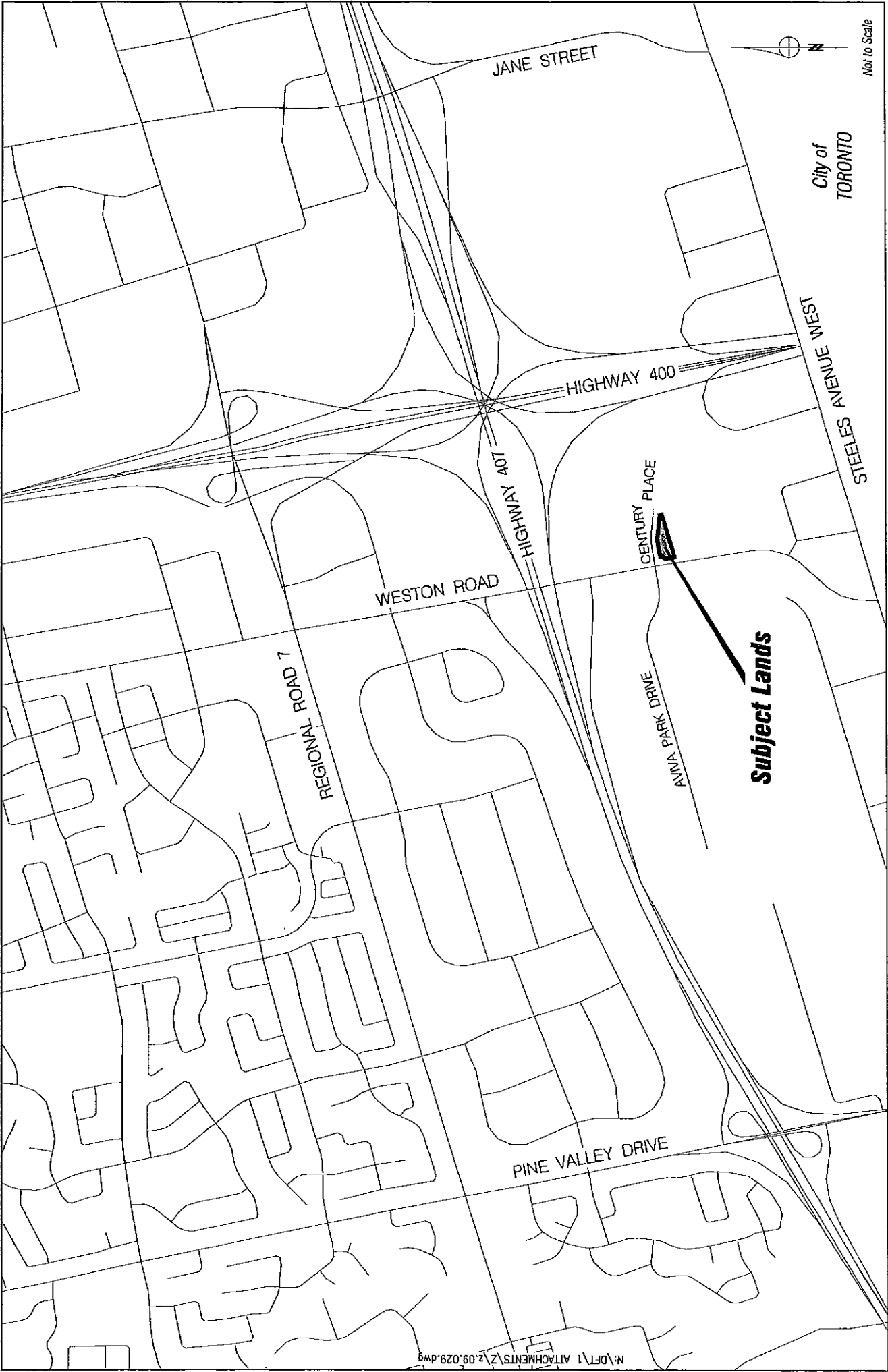
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Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

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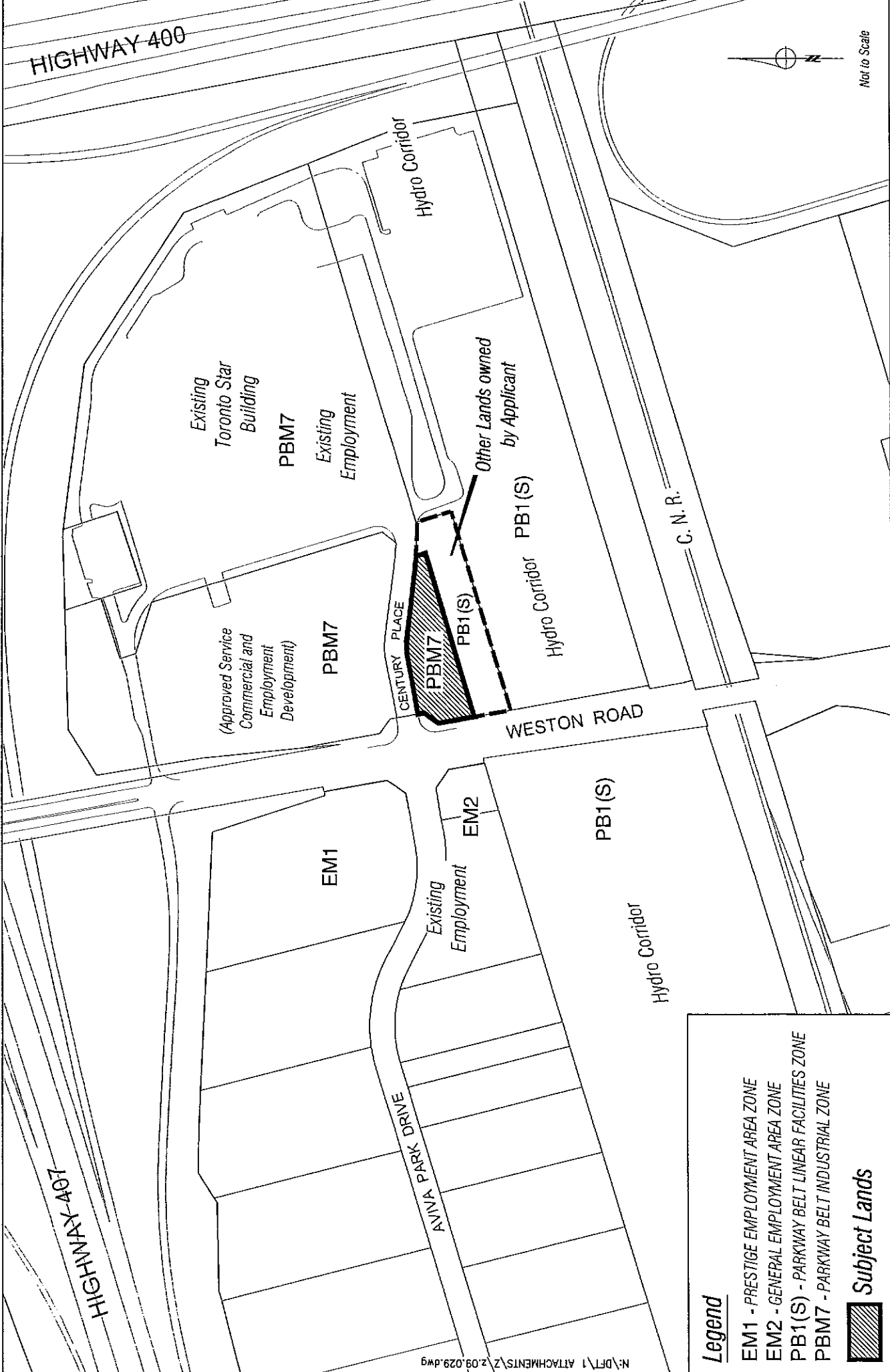


Context Location Map

LOCATION:
 Part Lot 2, Concession 5

APPLICANT:
 John Duce (2225955 Ontario Ltd.)

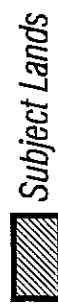
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Legend

- EM1 - PRESTIGE EMPLOYMENT AREA ZONE
- EM2 - GENERAL EMPLOYMENT AREA ZONE
- PB1(S) - PARKWAY BELT LINEAR FACILITIES ZONE
- PBM7 - PARKWAY BELT INDUSTRIAL ZONE



Subject Lands

Location Map

LOCATION:
Part Lot 2, Concession 5

APPLICANT:
John Duca (2225955 Ontario Ltd.)



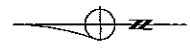
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FILE: Z.09.029
RELATED FILE: DA.10.094

DATE:
September 2011

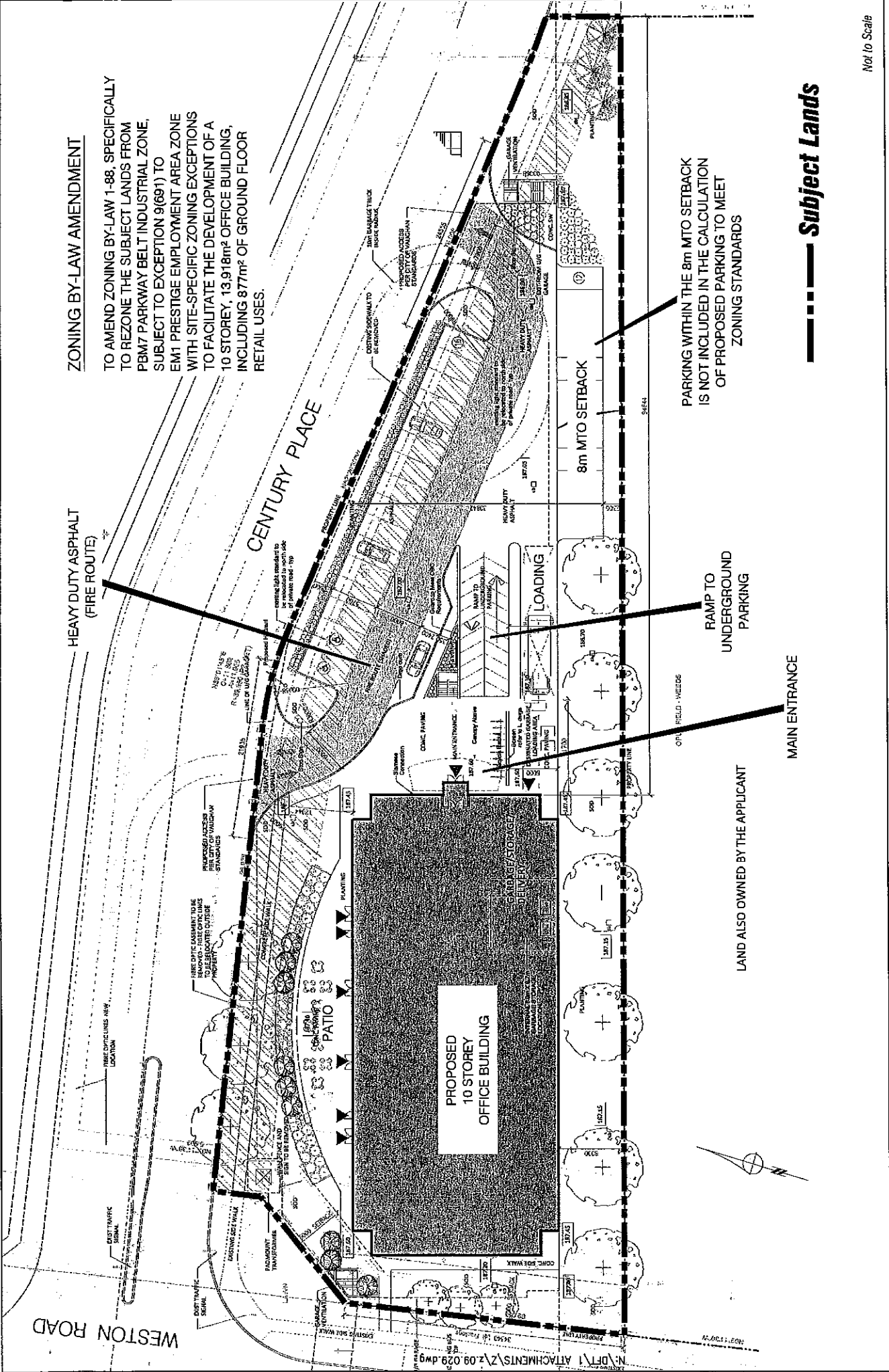
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ZONING BY-LAW AMENDMENT

TO AMEND ZONING BY-LAW 1-88, SPECIFICALLY TO REZONE THE SUBJECT LANDS FROM PBM7 PARKWAY BELT INDUSTRIAL ZONE, SUBJECT TO EXCEPTION 9(691) TO EM1 PRESTIGE EMPLOYMENT AREA ZONE WITH SITE-SPECIFIC ZONING EXCEPTIONS TO FACILITATE THE DEVELOPMENT OF A 10 STOREY, 13,918m² OFFICE BUILDING, INCLUDING 877m² OF GROUND FLOOR RETAIL USES.



PARKING WITHIN THE 8m MTO SETBACK IS NOT INCLUDED IN THE CALCULATION OF PROPOSED PARKING TO MEET ZONING STANDARDS

Subject Lands

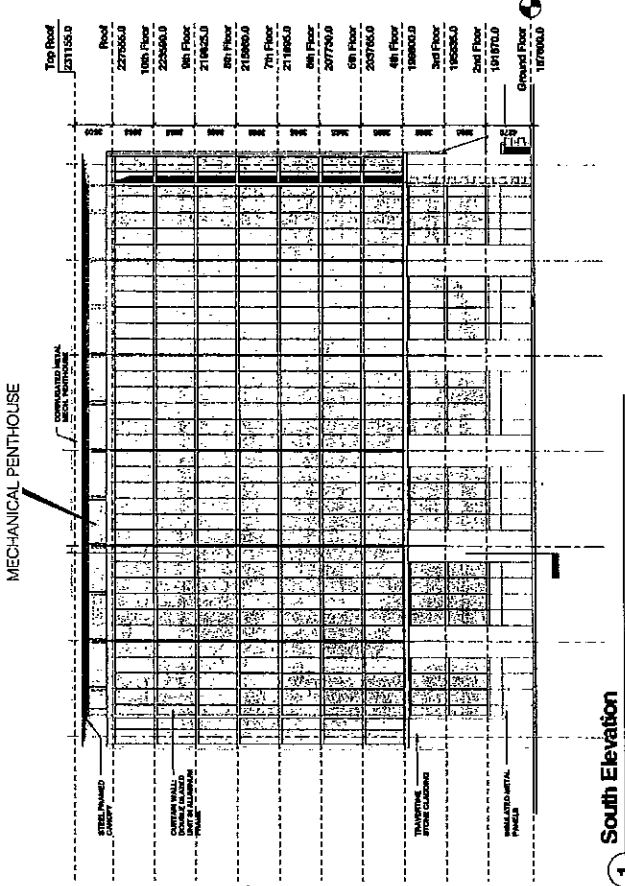
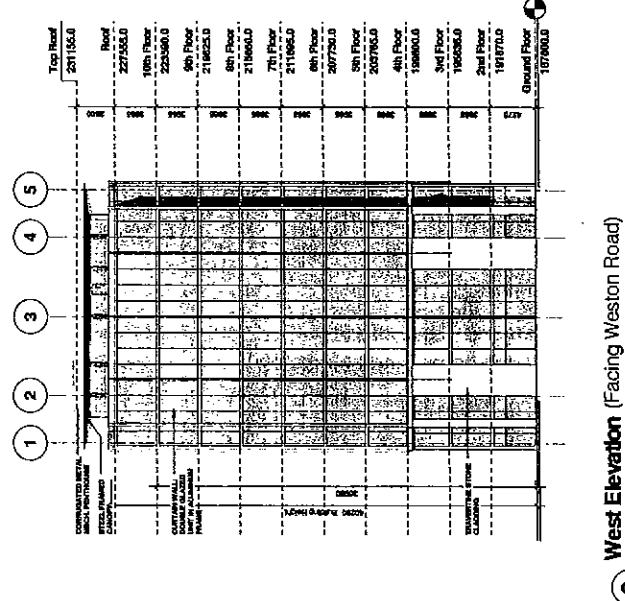
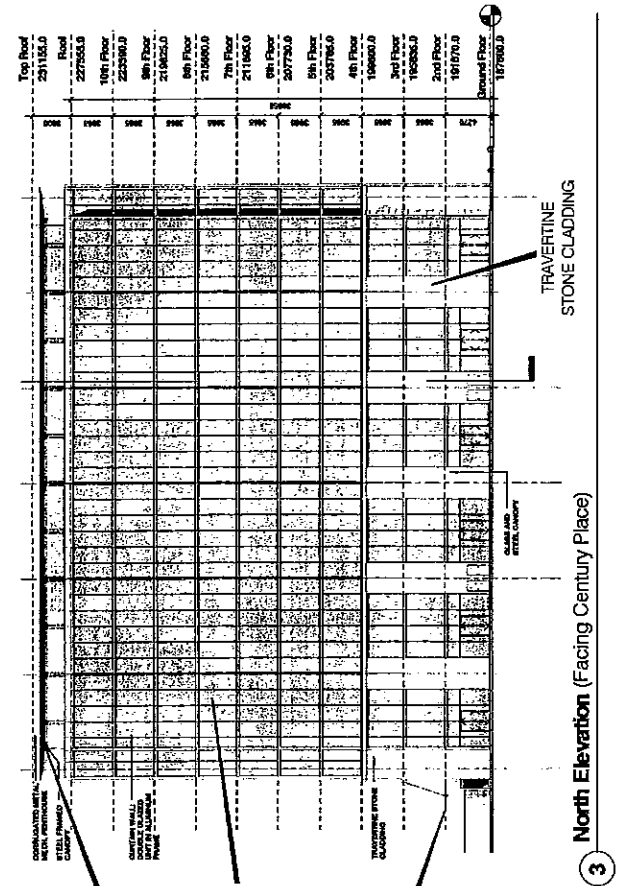
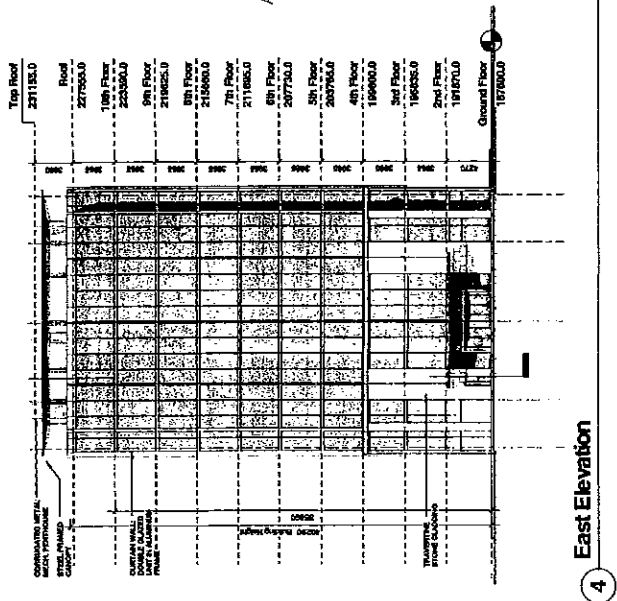
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Attachment 3

FILE: Z.09.029
RELATED FILE: DA.10.094
DATE: September 2011

Site Plan
LOCATION: Part Lot 2, Concession 5
APPLICANT: John Duca (2225955 Ontario Ltd.)





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Attachments

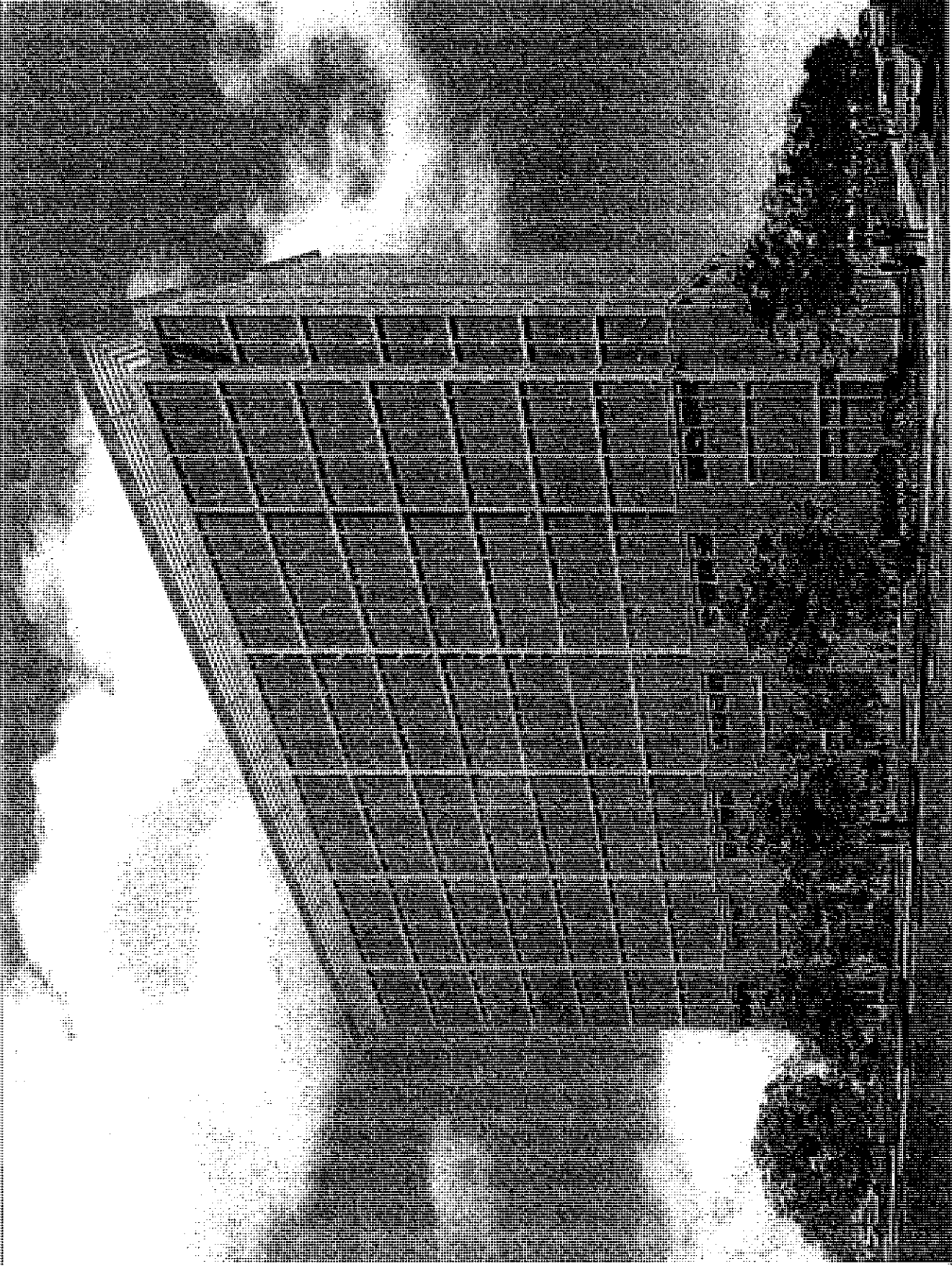
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DATE: September 2011

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Elevations

LOCATION: Part Lot 2, Concession 5
APPLICANT: John Duca (2226955 Ontario Ltd.)



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Conceptual Rendering

LOCATION:
Part Lot 2, Concession 5

APPLICANT:
John Duca (2225955 Ontario Ltd.)

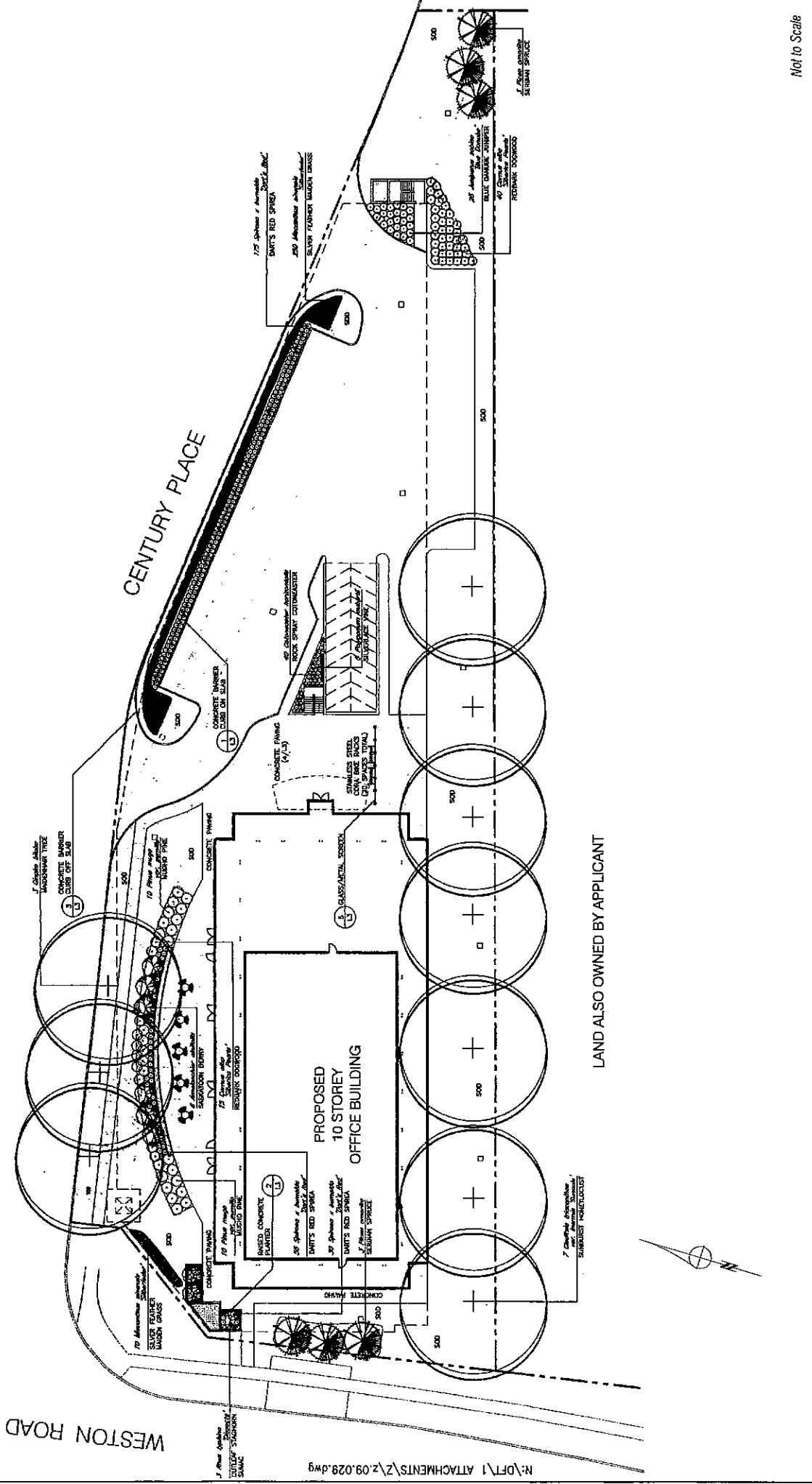


Attachment

FILE: Z.09.029
RELATED FILE: DA.10.094

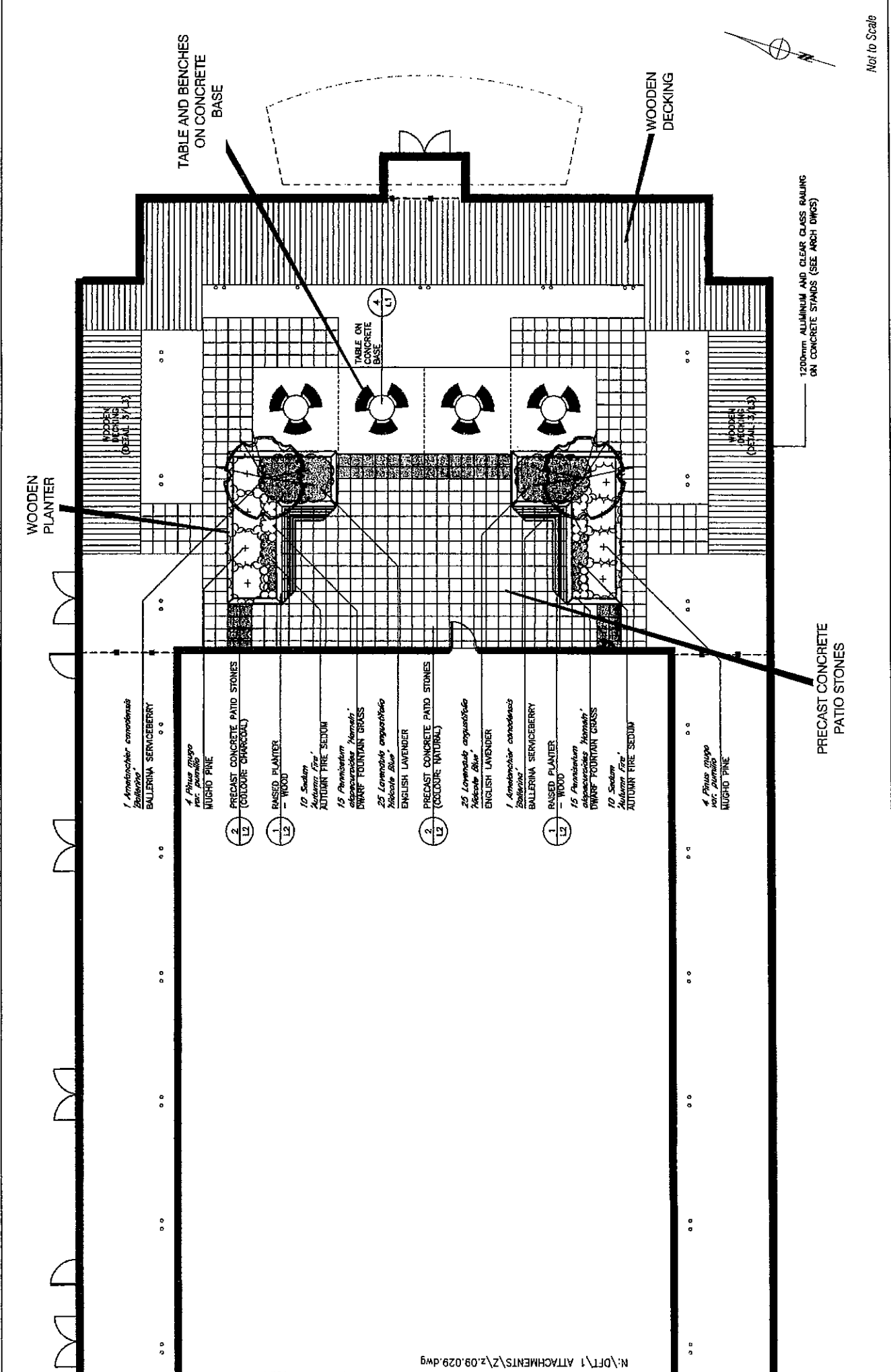
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LAND ALSO OWNED BY APPLICANT

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Landscape Plan - Rooftop

LOCATION:
Part Lot 2, Compression 5

APPLICANT:
John Duca (2225955 Ontario Ltd.)

