

350 Zenway Boulevard and 477 Enterprise Way - A088/22

Minor Variance Requested:

Zoning By-law 01-2021

1. A minimum 3 metre wide strip of land shall be provided along the lot line adjacent to a street and shall be used for no purpose other than landscaping. This shall not prevent the provision of access driveways across the said strips;

WHEREAS

A minimum 6 metre wide strip of land shall be provided along the lot line adjacent to Street "A" and Street "B" and shall be used for no purpose other than landscaping. This shall not prevent the provision of access driveways across the said strips.

Exception 14.897.2 1

The general intent and purpose of the Official Plan and zoning by-law are to provide for adequate space for landscaping abutting public streets. The above provision was implemented through a site specific exception to Zoning By-law 1-88 through the approval of site specific Zoning By-law 126-2006 increasing the required landscape strip from 3 metres to 6 metres at a time when Zenway Boulevard was the last exit from the Highway 427. In this regard Zenway Boulevard served a higher order function within the City's street network effectively collecting all northbound traffic from the Highway 427. Since that time the Highway 427 has been extended northward, the exit at Zenway Boulevard has been removed and Zenway Boulevard now serves a lower order function. As a result, requiring a wider landscape strip than what would normally be required is longer appropriate. The landscape strip treatment along the street will be reviewed by City staff through the Site Plan review process and will ensure an appropriate interface along Zenway Boulevard. In addition to the landscape strip, street trees along Zenway Boulevard will soften and enhance the interface between the private site and public right of way. Reducing the size of the required landscape strip will provide a balance of allowing for a more efficient development of the lands for employment uses while providing an appropriate landscape treatment along Zenway Boulevard. The proposed landscape strip width will be consistent with the standard permission in Zoning By-law 1-88 as well as the requirement found in City of Vaughan Comprehensive Zoning By-law 01-2021 (The "New City By-law"). The impact of the reduced landscape strip abutting a street will be minor and will result in the desirable development of the lands.

2. Notwithstanding any other provision of this By-law, the following uses shall be located a minimum distance of 3.0 m from any lot line abutting a highway corridor:
 2. Any part of a minimum required parking area or loading area, including any minimum required parking space, loading space, stacking space, bicycle parking space, and any associated aisle or driveway;

WHEREAS

Notwithstanding any other provision of this By-law, the following uses shall be located a minimum distance of 14.0 m from any lot line abutting a highway corridor:

2. Any part of a minimum required parking area or loading area, including any minimum required parking space, loading space, stacking space, bicycle parking space, and any associated aisle or driveway;

4.8.2 Highway Corridor Setback

The general intent and purpose of the Official Plan and zoning by-law are to provide for adequate setbacks and allow for landscaping abutting Provincially highway corridors. The treatment of the proposed 3.0 metre landscape strip is subject to City staff review through the Site Plan review process and will ensure an appropriate interface along the Highway 427. The requested landscape strip reduction will allow for additional surplus parking to be provided within the 14 metre building setback that is required by the Ministry of Transportation through their permitting processes. Further, the New City By-law also requires that buildings and structures be set back 14 metres from the highway corridor right of way which will ensure no structures are erected within this area. Should the Province choose to widen the highway, this surplus parking area can be removed without impacting the long term function of the lands for employment uses. The proposal will therefore allow these lands to perform a low level and surplus function thereby maximizing the use of the whole Subject Lands which is desirable. Reducing the size of the required landscape strip will provide a balance of allowing for a more efficient development of the lands for employment uses while providing an appropriate landscape treatment and maintaining setback for structures. Given that vehicles travel along Highway 427 at relatively high speeds, the impact of the reduced setback will be negligible and minor in nature as well as contribute to the desirable development of the lands.

3. Notwithstanding any other requirements of this By-law, where any TransCanada pipeline is shown on Schedule B-5, the following requirements shall apply:
 - c. No minimum setback from the nearest portion of a TransCanada pipeline easement shall apply to any minimum required parking area or loading area, including any minimum required parking space, loading space, stacking space, bicycle parking space, and any associated aisle or driveway.

WHEREAS

Notwithstanding any other requirements of this By-law, where any TransCanada pipeline is shown on Schedule B-5, the following requirements shall apply:

- c. A minimum setback of 7.0 m from the nearest portion of a TransCanada pipeline easement shall also apply to any minimum required parking area or loading area, including any minimum required parking space, loading space, stacking space, bicycle parking space, and any associated aisle or driveway.

4.23.1 c) TransCanada Pipeline and Facilities

The general intent and purpose of the Official Plan and zoning by-law are to provide for appropriate setbacks and in this instance, setbacks to easements for pipelines and facilities operated by TransCanada Pipelines. Allowing parking and loading areas to directly abut the underground pipeline easement on the Subject Lands will allow for a more efficient use of lands

within the built boundary of the City which is desirable. Further, there is no inherent need for a parking and loading setback to underground facilities. An easement has been acquired in favour of the pipeline operator over the Subject Lands and it is assumed that the easement includes all of the lands required to operate and maintain their facilities and the proposal will therefore have no impact. The required setback would sterilize a portion of employment land within the built boundary, grossly enlarging the effective area of the easement, and contribute to development pressures on rural areas of the City. Further there is no change to the required building setbacks to the underground facilities under easement on the Subject Lands which will avoid impact on the operation or maintenance of the facilities. The proposal will therefore have no impact and is desirable given that it will allow for a more efficient development of lands within the built boundary of the City.

4. The minimum length of a parking space accessed at an angle of 45-degrees shall be 5.7 m;
WHEREAS

The minimum length of a parking space accessed at an angle of 45-degrees shall be 6.0 m;

The general intent and purpose of the Official Plan and zoning by-law are to provide vehicle parking spaces that are of sufficient size and configuration to store vehicles. Allowing parking spaces accessed at an angle less than 90 degrees to be the same depth as parking those accessed at 90 degrees will allow for the more efficient use of the lands for employment uses. The drive aisle proposed to access these parking spaces is proposed for one way vehicular traffic only and is wider than the minimum 3 metre width. In this regard, there is excess width to accommodate the proposed reduced parking spaces depth. This parking area provides for surplus parking spaces, is at the rear of the proposed building and will have no visual or functional impact on the lands. Allowing parking spaces accessed at angle that is less than 90 degrees to be the same depth as spaces accessed at 90 degrees will result in the efficient development and use of the lands is desirable in nature.

Zoning By-law 1-88:

5. A minimum 3 metre wide strip of land shall be provided along the lot line adjacent to a street and shall be used for no purpose other than landscaping. This shall not prevent the provision of access driveways across the said strips;

WHEREAS

A minimum 6 metre wide strip of land shall be provided along the lot line adjacent to Street "A" and Street "B" and shall be used for no purpose other than landscaping. This shall not prevent the provision of access driveways across the said strips.

Exception 1255, clause c)

The general intent and purpose of the Official Plan and zoning by-law are to provide for adequate space for landscaping abutting public streets. As stated above, the above provision was implemented through the approval of site specific Zoning By-law 126-2006 increasing the required landscape strip from 3 metres to 6 metres at a time when Zenway Boulevard was the last exit from the Highway 427. In this regard, Zenway Boulevard served a higher order function within the City's street network

effectively collecting all northbound traffic from the Highway 427. Since that time the Highway 427 has been extended northward, the exit at Zenway Boulevard has been removed and Zenway Boulevard now serves a lower order function. As a result, requiring a wider landscape strip than what would normally be required is longer appropriate. As stated above, the landscape strip treatment along the street will be reviewed by City staff through the Site Plan review process and will ensure an appropriate landscaping. In addition to the landscape strip, street trees along Zenway Boulevard will soften and enhance the interface between the private site and public right of way. Reducing the size of the required landscape strip will provide a balance of allowing for a more efficient development of the lands for employment uses while providing an appropriate landscape treatment along Zenway Boulevard. The proposed landscape strip width will be consistent with the standard permission in Zoning By-law 1-88 as well as the requirement found in the New City By-law. The impact of the reduced landscape strip abutting a street will be minor and will result in the desirable development of the lands.

6. A strip of land not less than 3.0 metres in width shall be provided along a lot line which abuts the street line of a Provincial arterial road, and shall be used for no other purpose than landscaping. This shall not prevent the provision of access driveways across the said strip.

WHEREAS

A strip of land not less than 9.0 metres in width shall be provided along a lot line which abuts the street line of a Provincial arterial road, and shall be used for no other purpose than landscaping. This shall not prevent the provision of access driveways across the said strip.

6.8.3 c) LANDSCAPING REQUIREMENTS

The general intent and purpose of the Official Plan and zoning by-law are to provide for adequate space for landscaping abutting Provincially owned streets or public highways. As stated above, the landscape strip treatment will be reviewed by City staff through the Site Plan Control review process and will ensure an appropriate interface along the Highway 427. This landscape strip reduction will allow for additional surplus parking to be provided within the Ministry of Transportation 14 metre building setback. Reducing the size of the required landscape strip will provide a balance of allowing for a more efficient development of the lands for employment uses while providing an appropriate landscape treatment. Given that vehicles travel along Highway 427 at relatively high speeds, the impact of the reduced landscape strip will be negligible and minor in nature, resulting in the desirable development of the lands.

7. Where an Employment Area Zone abuts the boundary of lands zoned Open Space, there shall be no requirement for a landscape strip inside the Employment Area zone to be used for no other purpose than landscaping;

WHEREAS

Where an Employment Area Zone abuts the boundary of lands zoned Open Space or Residential, a strip of land not less than 7.5 metres in width and inside the Employment Area Zone and abutting its boundary, shall be used for no purpose other than landscaping.

6.1.6 d) LANDSCAPING REQUIREMENTS

The general intent and purpose of the Official Plan and zoning by-law are to provide appropriate areas for landscaping and provide separation distance between employment uses and other more sensitive land uses. The open space land use abutting the Subject Lands is a stormwater management pond use and the proposed employment land use is a prestige employment use where no noxious uses are permitted. The stormwater management use, while zoned in the OS1 Open Space Conservation zone, is not intended for recreation uses and is generally not an intensive land use whereby large numbers of active users are present. Further, the stormwater management pond has no internal pedestrian walkway and serves no open space function making the impact of the proposal minor. Further, this variance is desirable as it promotes the efficient use of an employment land block within the City's urban area which will in part reduce the need for further expansion of urban areas for employment uses. This variance is minor in nature and does not impact the operation or use of the abutting stormwater management use and does not remove the requirement for building setbacks which will provide an appropriate building separation from the abutting lands.

8. The minimum required rear yard is 12.0 metres.

WHEREAS

To permit a minimum rear yard of 7.5 metres.

The general intent and purpose of the Official Plan and zoning by-law are to provide appropriate yards and, in this instance, a rear yard. The proposal is driven by the Subject Lands having two lot lines that abut a street, the shorter of which abuts Zenway Boulevard making this the front lot line. Notwithstanding this technical front lot line and yard, Zenway Boulevard is elevated above the majority of the lands as it rises above and crosses Highway 427 resulting in a very small portion of this front yard addressing Zenway Boulevard at grade. The practical front yard, where the majority of the Subject Lands abut a street at grade, is along New Enterprise Way and the practical rear yard abuts Highway 427 where a setback in excess of 50 metres is provided. In this regard, the technical rear yard on the Subject Lands abuts the northerly property limit while the practical rear yard abuts the easterly property limit. The proposal will allow the proposed building to more fully address New Enterprise Way while making efficient use of employment lands within the City's built boundary and is desirable. Further, there will be no discernable impact from the reduced rear yard on passersby as the proposed building has been designed with its primary elevation facing New Enterprise Way.

9. PARKING SPACE - Means a rectangular area measuring at least 2.7 metres by 5.7 metres, exclusive of any aisles or ingress and egress lanes, used for the temporary parking of motor vehicles;

WHEREAS

PARKING SPACE - Means a rectangular area measuring at least 2.7 metres by 6.0 metres, exclusive of any aisles or ingress and egress lanes, used for the temporary parking of motor vehicles.

2.0 DEFINITIONS

The general intent and purpose of the Official Plan and zoning by-law are to provide vehicle parking spaces that are of sufficient size and configuration to store vehicles. Allowing parking spaces to be slightly shallower in depth will ensure the efficient layout of parking areas and reduce the amount of space

required for parking vehicles. The City of Vaughan Review of Parking Standards Contained within The City of Vaughan's Comprehensive Zoning By-law: Final Report dated March 2010, prepared by IBI Group, (the "City Parking Study") suggests that a parking space depth of 5.7 metres is appropriate for the City of Vaughan. Further, the proposed parking space depth is the same as has been approved by the City through the recently approved by the City of Vaughan Comprehensive Zoning By-law 01-2021 (The "New City By-law") and will provide for contemporary parking space requirements. The requested parking space depth of 5.7 is a minor reduction from the required 6.0 metres, will have minimal impact and is desirable given that it will allow for a more efficient development of the lands.

10. The following types of Accessible Parking Spaces shall be provided:

Type A – An Accessible Parking Space measuring a minimum of 3.4 metres in width by 5.7 metres in length that is designated as "Van Accessible" and which abuts an Accessible Access Aisle.

Type B - An Accessible Parking Space measuring a minimum of 2.4 metres in width by 5.7 metres in length and which abuts an Accessible Access Aisle.

WHEREAS

The following types of Accessible Parking Spaces shall be provided:

Type A – An Accessible Parking Space measuring a minimum of 3.4 metres in width by 6.0 metres in length that is designated as "Van Accessible" and which abuts an Accessible Access Aisle.

Type B - An Accessible Parking Space measuring a minimum of 2.4 metres in width by 6.0 metres in length and which abuts an Accessible Access Aisle.

3.8 d) i) PARKING REQUIREMENTS

The general intent and purpose of the Official Plan and zoning by-law are to provide accessible vehicle parking spaces that are of sufficient size and configuration to store vehicles for persons with disabilities. As noted above, allowing parking spaces to be slightly shallower in depth will ensure the efficient layout of parking areas and reduce the amount of space required for parking vehicles. The proposed accessible parking space depth is the same as has been approved by the City through the recently approved New City By-law and will provide for contemporary requirements. The requested parking space depth of 5.7 is a minor reduction from the required 6.0 metres, will have minimal impact and is desirable given that it will allow for a more efficient development of the lands.

11. Loading and unloading shall be permitted between a building and a street;

WHEREAS

Loading and unloading shall not be permitted between a building and a street.

3.9 d) LOADING SPACE REQUIREMENTS

The general intent and purpose of the Official Plan and zoning by-law are to ensure that loading spaces are provided for some uses and that the location of loading and unloading does not impact abutting lands. The location of loading spaces on the Subject Lands are proposed to be east facing and would be between the proposed building and the controlled access Highway 427, which is considered a street. In this regard, the area opposite the proposed loading spaces is not a sensitive area. Further, a landscape strip will be required abutting Highway 427 and will allow for an opportunity to provide plant material that can help to provide a buffer between the loading area and the Highway. The treatment of the landscape strip is subject to City staff review through the Site Plan Control review process and will ensure an appropriate interface. Given the Subject Lands are a corner

lot with two street frontages, the east facing location of the loading areas is the most screened location on the site, will minimize impact on abutting lands and is desirable. It is relevant to note that the New City By-law does not prohibit loading or unloading between a building and a street. The impact of the loading bays on abutting lands will be minor and will result in a desirable development of the lands.

12. For a warehousing use, a minimum parking requirement of 0.5 parking spaces per 100 square metres of GFA shall be required;

WHEREAS

For a warehousing use, a minimum parking requirement of 1 parking spaces per 100 square metres of GFA shall be required.

3.8 a) PARKING REQUIREMENTS

The general intent and purpose of the Official Plan and zoning by-law are to provide for the appropriate number of parking spaces to support employment uses. The City Parking Study assessed the parking utilization rates in employment areas in the City and indicates that due to low employee densities and infrequent visits from clientele, the industrial parking supply and peak occupancy ratios are considerably lower than for other land uses. Further, the study concludes that many industrial land uses, including warehouse uses, appear to provide a substantial excess in parking supply. The City Parking Study further suggest that the warehouse use parking requirements in other jurisdictions are below the 1 parking space per 100 square metres of GFA required by By-law 1-88. Given the low utilization rate for parking in industrial areas, providing a lower parking supply will reduce the amount of land set aside for parking which will allow for a more efficient use of the land which is desirable. Further, the City has decided that a rate of 0.5 parking spaces per 100 square metres of gross floor area for a warehouse use is appropriate through Council's approval of Zoning By-law 01-2021. Allowing the parking rate of the New City By-law to apply to the Subject Lands is desirable given the development of the lands.

Given the above it is our opinion that the proposed minor variances meet the intent and purpose of the Official Plan and zoning by-law, are minor in nature, are desirable and represent good planning.