

Committee of the Whole (Public Meeting) Report

DATE: Monday, May 30, 2022

WARD: 2

TITLE: NCAP NICOLA (HWY 27) LTD.
OFFICIAL PLAN AMENDMENT FILE OP.17.016
ZONING BY-LAW AMENDMENT FILE Z.17.046
7242 HIGHWAY 27
VICINITY OF HIGHWAY 27 AND HIGHWAY 407

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on applications to amend the Official Plan and Zoning By-law to permit the development of two 1-storey multi-unit industrial buildings with a total gross floor area of 8,145.23 m² and 125 surface parking spaces, as shown on Attachments 2 to 6.

Report Highlights

- Amendments to the site-specific Official Plan policies and Zoning By-laws 1-88 and 001-2021 are required to permit two 1-storey multi-unit industrial buildings on the subject lands with a total gross floor area of 8,145.23 m² and 125 surface parking spaces
- This report identifies preliminary issues to be considered in a comprehensive report to be prepared by the Development Planning Department at a future Committee of the Whole meeting

Recommendations

1. THAT the Public Meeting report for Official Plan and Zoning By-law Amendment Files OP.17.016 and Z.17.046 (NCAP Nicola (Hwy 27) Ltd.) BE RECEIVED, and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Background

Location: 7242 Highway 27 (the 'Subject Lands'), are located on the west side of Highway 27, north of Highway 407 and are approximately 1.7 ha in size. The Subject Lands are comprised of two parcels of land traversed by Toronto RV Road. The Owner is proposing to realign Toronto RV Road to the east, parallel to Highway 27, thereby merging the two parcels into one parcel. The Subject Lands and surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: July 26, 2021

Date applications were deemed complete: March 10, 2022

The Committee of the Whole, at a Public Meeting held on June 5, 2018, considered the subject Official Plan and Zoning By-law Amendment Files OP.17.016 and Z.17.046 (the 'Applications'), which proposed two 12-storey office buildings, an 8-storey hotel, and a 4-storey above ground parking structure and the realignment of Toronto RV Road.

The Applications and Subject Lands have since been transferred to a new owner, NCAP Nicola (Hwy 27) Ltd. (the 'Owner'). The Owner has revised the Applications for two 1-storey multi-unit industrial buildings (the 'Development') as shown on Attachments 2 to 6. A second Public Meeting is required in accordance with Policy 10.1.4.1 of Vaughan Official Plan 2010 ('VOP 2010') as the Applications have been amended significantly and more than two years have passed since the Applications were considered by Council at the Public Meeting of June 5, 2018.

The Ontario Municipal Board ('OMB'), now known as the Ontario Land Tribunal ('OLT'), partially approved Site-Specific Policy 13.3 in Volume 2 of VOP 2010

Vaughan Council, on October 15, 2002, approved Official Plan and Zoning By-law Amendment Files OP.00.022 and Z.00.107 to permit the development of the Subject Lands with a 9-storey hotel, a 2-storey conference/banquet hall and 7 and 8-storey office buildings with ground floor commercial uses and surface and underground parking, as shown on Attachment 7.

The Subject Lands were removed from the Provincial Parkway Belt West Plan by Amendment No. 129, which was approved by the Ministry of Municipal Affairs on October 23, 1997. On November 11, 2002, Council adopted OPA 584, which redesignated the Subject Lands from "General Complementary Urban Area" under the Provincial Parkway Belt West Plan, to "Prestige Area" and subject to the "Service Node" policies under OPA 450 (Employment Area Plan).

On November 28, 2002, the Catholic Cemeteries Archdiocese of Toronto (the owner of the Queen of Heaven Cemetery immediately to the west of the Subject Lands) appealed the decision of Council to the Ontario Municipal Board (the "OMB"). Prior to the commencement of an OMB Hearing, 1168912 Ontario Incorporated and Importanne Marketing Inc. (the previous Owner) and the Catholic Cemeteries Archdiocese of Toronto (the Appellant) reached a settlement.

In Decision/Order No. 1696, issued on October 27, 2004, the OMB approved a modified version of OPA 584, which incorporated development criteria to screen the proposed development from the adjacent cemetery lands, road improvements to Highway 27 and Toronto RV Road, and to not allow an above ground parking structure.

On December 2, 2013, the OMB partially approved Volume 2 of Vaughan Official Plan 2010 (VOP 2010), Site-Specific Policies, which included the previous OMB modified and approved OPA 584 (Order No. 1696) for the Subject Lands as Site-Specific Policy 13.3, which includes the site plan shown on Schedule 13.3.B, as shown on Attachment 7.

The Applications have been revised to permit the Development

The Owner has revised the Applications for the Subject Lands to permit the Development shown on Attachments 2 to 6, as follows:

1. Official Plan Amendment File OP.17.016 to amend the following in Site-Specific Policy 13.3 in Volume 2 of VOP 2010:
 - remove the requirement for a 3000 m² landscape amenity area
 - re-align Toronto RV Road
2. Zoning By-law Amendment File Z.17.046 to rezone the Subject Lands from “PB2 Parkway Belt Complementary Use Zone”, which is partially subject to site-specific exception 9(1482), as shown on Attachment 1, to “EM1 Prestige Employment Area Zone” in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 of this report.

The Owner shall also be required to amend Zoning By-law 001-2021 to rezone the westerly portion of the Subject Lands from “OS2 Private Open Space Zone” subject to site-specific exception 14.1101, as shown on Attachment 1, to “EM1 Prestige Employment Zone” in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 2 of this report.

Public Notice was provided in accordance with the Planning Act and Council’s Notification Protocol

- a) Date the Notice of Public Meeting was circulated: May 6, 2022.

The Notice of Public Meeting was also posted on the City’s website at www.vaughan.ca and Notice Signs were installed along the Toronto RV Road and Highway 27 frontages in accordance with the City’s Notice Signs Procedures and Protocols.

- b) Circulation Area: To all property owners within 150 m of the Subject Lands and to the West Woodbridge Homeowners’ Association and to anyone on file with the Office of the City Clerk having requested notice.

The following is a summary of written comments received as of May 17, 2022. The comments are organized by theme as follows:

Minimum Landscape buffer

- concerns of privacy and maintaining a sufficient buffer between the abutting Cemetery and the Development
- the minimum required landscape buffer should be provided

Access, Traffic and Intersection Improvements

- the Development should include improvements to the intersection of Toronto RV Road and Highway 27
- concerns that the Development may compromise the existing accesses to the abutting Queen of Heaven Catholic Cemetery

Any additional written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication and be reviewed and addressed by the Development Planning Department in a future comprehensive technical report to the Committee of the Whole.

Previous Reports/Authority

The following is a link to a previous report regarding the Subject Lands:
[June 5, 2018, Committee of the Whole Public Hearing Extract \(Item 1, Report 22\)](#)
[IMPORTANNE MARKETING INC. OP.17.016 Z.17.046](#)

Analysis and Options

An amendment to Vaughan Official Plan 2010 is required to permit the Development

Official Plan Designation:

- “Employment Area” and “Natural Areas and Countryside” on Schedule 1 – Urban Structure of VOP 2010
- Designated “Prestige Employment” on Schedule 13 – Land Use of VOP 2010
- Subject to Site Specific Policy 13.3 - 7242 Highway 27 by VOP 2010, Volume 2, which identifies the priority uses for the Subject Lands as offices, hotels with related hospitality, eating establishments and conference/banquet hall facilities and other prestige employment uses.
- The proposed industrial buildings conform to VOP 2010
- An amendment to VOP 2010 is required to address the landscape amenity area requirement and the realignment of Toronto RV Road

Amendments to Zoning By-law 1-88 are required to permit the Development

Zoning:

- “PB2 Parkway Belt Complementary Use Zone” by Zoning By-law 1-88, and partially subject to site-specific Exception 9(1482)
- This Zone does not permit the Development
- The Owner proposes to rezone the Subject Lands to “EM1 Prestige Employment Area Zone” together with the following site-specific zoning exceptions:

Table 1:

	Zoning By-law 1-88 Standard	EM1 Prestige Employment Area Zone Requirement	Proposed Exceptions to the EM1 Prestige Employment Area Zone Requirement
a.	Minimum Landscape Strip abutting an Open Space Zone	7.5 m	3.0 m (abutting Toronto RV Road)
b.	Minimum Parking Requirements	Multi-Unit Employment 4 spaces per unit x 42 units = 168 spaces Total Parking Required = 168 spaces	Multi-Unit Employment 2.97 spaces per unit x 42 units = 125 spaces Total Parking Provided = 125 spaces
c.	Maximum Driveway Access Width	7.5 m	8.85 m
d.	Landscape Calculation	5% of the entire lot area	0.08% of the entire lot area

Additional zoning exceptions may be identified through the detailed review of the Applications and will be considered in a comprehensive technical report to a future Committee of the Whole meeting.

Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law

On October 20, 2021, Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law ('Zoning By-law 001-2021'). A notice of the passing was circulated on October 15, 2021 in accordance with the *Planning Act*. The last date for filing an appeal to the OLT in respect of Zoning By-law 001-2021 was November 15, 2021. Zoning By-law 001-2021 is currently under appeal and, when in force, will replace Zoning By-law 1-88, as amended. Until such time as Zoning By-law 001-2021 is in force, the Owner will be required to demonstrate compliance with both Zoning By-law 001-2021 and Zoning By-law 1-88, as amended.

Zoning:

- "OS2 Open Space Zone", subject to site-specific Exception 14.1101, and "EM1 Prestige Employment Zone" by Zoning By-law 001-2021
- This Zone does not permit the Development
- The Owner proposes to rezone a portion of the Subject Lands to "EM1 Prestige Employment Zone" together with the following site-specific zoning exceptions:

Table 2:

	Zoning By-law 001-2021 Standard	EM1 Prestige Employment Zone Requirement	Proposed Exceptions to the EM1 Prestige Employment Zone Requirement
a.	Minimum Landscape Strip abutting an Open Space Zone	4.5 m	1.5 m (abutting west property line) 3.0 m (abutting north and south property lines)
b.	Landscape Calculation	5% of the entire lot area	0.08% of the entire lot area
c.	Permitted Uses	Industrial Mall is not listed as a permitted use	Add Industrial Mall as a permitted use
d.	Definitions	Industrial Mall means a building or a group of buildings designed, developed, and managed as a unit by a single owner or tenant, or by a group of owners or tenants.	Industrial Mall means a building or a group of buildings designed, developed, and managed as a unit by a single owner or tenant, or by a group of owners or tenants, and shall include all uses permitted in the EM1 Zone

Additional zoning exceptions may be identified through the detailed review of the Applications and will be considered in a technical report to a future Committee of the Whole meeting.

Following a preliminary review of the Applications, the Development Planning Department has identified the following matters to be reviewed in greater detail

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies, York Region and City Official Plan Policies	<ul style="list-style-type: none"> ▪ The Applications will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the 'PPS'), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan'), the policies of the York Region Official Plan, 2010 ('YROP') and VOP 2010, Site-Specific Policy 13.3 in VOP 2010, and the previous OMB Decision on the Subject Lands

	MATTERS TO BE REVIEWED	COMMENT(S)
b.	Appropriateness of Amendments to VOP 2010 and Zoning By-law	<ul style="list-style-type: none"> ▪ The appropriateness of the amendments to VOP 2010 and the proposed rezoning and site-specific exceptions required to permit the Development shown on Attachments 2 to 6 will be reviewed in consideration of the existing and planned surrounding land uses
c.	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner submitted studies and reports in support of the Applications available on the city's website at https://maps.v Vaughan.ca/planit/ (PLANit Viewer) and must be approved to the satisfaction of the City or respective approval authority. Additional studies and/or reports may be required as part of the application review process
d.	Parkland Dedication	<ul style="list-style-type: none"> • The Owner will be required to pay to the City of Vaughan, cash-in-lieu of the dedication of parkland, prior to the issuance of a Building Permit, in accordance with the <i>Planning Act</i> and the City of Vaughan's Cash-in-lieu of Parkland Policy, should the Applications be approved. The final value of the cash-in-lieu of parkland dedication will be determined by the Real Estate Department.
e.	Urban Design Guidelines	<ul style="list-style-type: none"> ▪ The Development will be reviewed in consideration of the City of Vaughan City-wide Urban Design Guidelines
f.	Public Agency/Municipal Review	<ul style="list-style-type: none"> ▪ The Applications must be reviewed by York Region, the Ministry of Transportation ('MTO'), external public agencies and utilities
g.	VOP 2010 Policy 13.3 Site Specific Road Requirements	<ul style="list-style-type: none"> ▪ Policy 13.3 of VOP 2010 includes site-specific road improvement requirements that shall be undertaken to the satisfaction of the Ministry of Transportation Ontario (the 'MTO'), York Region and the City including: <ul style="list-style-type: none"> - Traffic signal installation at the Highway 27 / Toronto RV Road intersection - The construction of a southbound right turn lane at the Regional Road 27 / Toronto RV Road intersection and associated widenings. ▪ Road improvements and additional/modified requirements as may be necessary, will be reviewed to the satisfaction of MTO, York Region and the City

	MATTERS TO BE REVIEWED	COMMENT(S)
h.	Realignment of Toronto RV Road	<ul style="list-style-type: none"> ▪ The appropriateness of the proposal to realign Toronto RV Road parallel with Highway 27 to create one consolidated 1.93 ha parcel of land will be reviewed in consideration of, but not limited to the urbanization of the road, appropriate road width, alignment, safety, access configuration and design ▪ There is existing servicing below the current location of Toronto RV Road. The potential relocation of the existing servicing and the ultimate servicing options must be reviewed by the Development Engineering Department ▪ The proposed realignment must ensure the existing two accesses to the adjacent Queen of Heaven Catholic Cemetery are maintained ▪ Should the proposed realignment of Toronto RV Road be approved, the conveyance of lands to the Owner (existing Toronto RV Road) and conveyance of lands to the City (proposed new Toronto RV Road) shall be required, together with a by-law to Stop Up and Close the portion of the existing Toronto RV Road to be relocated
i.	Ministry of Transportation Ontario (the 'MTO')	<ul style="list-style-type: none"> ▪ The Subject Lands are located within the MTO's Permit Control Area. The Applications have been circulated to the MTO for review and comment. Any issues identified by the MTO will be addressed when the comprehensive report is considered ▪ The Owner will be required to obtain an MTO Building and Land Use Permit prior to the commencement of any works on the Subject Lands, should the Applications be approved
j.	Required Applications	<ul style="list-style-type: none"> ▪ The Owner is required to submit a Site Development Application should the Applications be approved, to permit the Development shown on Attachments 2 to 6
k.	Tree Inventory and Preservation Plan and Arborist Report	<ul style="list-style-type: none"> ▪ The Owner submitted a Tree Inventory and Preservation Plan and Arborist Report for the Development identifying two trees located within the Subject Lands for removal. The City will review and approve all private property tree removals. The Tree Preservation Plan and tree compensation for replacement trees must be in accordance with the City's Tree Protection and Preservation By-law.

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> ▪ All recommendations noted in the Arborist Report regarding tree protection/mitigation shall be considered minimum standards and adhered to throughout the construction process, should the Applications be approved.

Financial Impact

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

Broader Regional Impacts/Considerations

The Subject Lands front onto Highway 27, which is under the jurisdiction of York Region. The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. York Region has determined that the proposed Official Plan Amendment application is a matter of local significance and does not adversely affect Regional planning policies or interest. York Region, on April 20, 2022, exempted Official Plan Amendment Application File OP.17.016 from approval by the Regional Committee of the Whole and Council. Any York Region issues will be addressed when the comprehensive technical report is considered.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Applications will be considered in the technical review of the Applications. Comments from the public and Vaughan Council expressed at the Public Meeting or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact Jennifer Kim, Planner, Development Planning Department, ext. 8592.

Attachments

1. Context and Location Map
2. Proposed Zoning and Future Site Plan
3. Landscape Plan
4. Building Elevations (Building 1)
5. Building Elevations (Building 2)
6. Perspective Rendering
7. VOP 2010, Volume 2 Site Specific Map 13.3.B – Site Plan (OMB Approved)

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