

## Committee of the Whole (2) Report

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**DATE:** Tuesday, June 21, 2022

**WARD(S):** 1

**TITLE:** LORWOOD HOLDINGS INC.  
ZONING BY-LAW AMENDMENT FILE Z.20.033  
DRAFT PLAN OF SUBDIVISION FILE 19T-20V006  
3180 TESTON ROAD  
VICINITY OF JANE STREET AND TESTON ROAD

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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**Purpose**

To seek approval from the Committee of the Whole for Zoning By-law Amendment and Draft Plan of Subdivision Files Z.20.033 and 19T-20V006. The Owner seeks permission to rezone the subject lands shown on Attachment 2 and for the approval of a Draft Plan of Subdivision to permit employment, mixed-use employment/commercial and service node uses consisting of development blocks, natural heritage systems and public roads as shown on Attachment 3.

**Report Highlights**

- The Owner proposes to rezone the subject lands shown on Attachment 2 and seeks approval of a plan of subdivision for employment, commercial and service node uses, natural heritage systems and public roads, as shown on Attachment 3
- Zoning By-law Amendment and Draft Plan of Subdivision Applications are required to permit the development
- The Development Planning Department supports the approval of the applications as they will permit a development that is consistent with the Provincial Policy Statement 2020, conforms to A Place to Grow - Growth Plan for the Greater Golden Horseshoe 2019, as amended, the York Region Official Plan 2010, Vaughan Official Plan 2010, is in keeping with the Block 34 East Block Plan and is compatible with the existing and planned land uses in the surrounding area

## **Recommendations**

1. THAT Zoning By-law Amendment File Z.20.033 (Lorwood Holdings Inc.) BE APPROVED, to amend Zoning By-law 1-88, to rezone the Subject Lands from “Agricultural Zone’ subject to site-specific Exception 9(593) to “EM2 General Employment Area Zone”, “C4 Neighbourhood Commercial Zone”, “C7 Service Commercial Zone” and “OS1 Open Space Conservation Zone” in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report, and the recommendations in this report.
2. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, to permit minor adjustments to the in-effect Zoning By-law before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into full force and effect.
3. THAT Draft Plan of Subdivision File 19T-20V006 (Lorwood Holdings Inc.) BE APPROVED SUBJECT TO THE CONDITIONS OF DRAFT PLAN OF SUBDIVISION APPROVAL as set out in Attachment 1, to facilitate the Draft Plan of Subdivision as shown on Attachment 3.

## **Background**

**Location:** The subject lands (the ‘Subject Lands’) shown on Attachment 2 are municipally known as 3180 Teston Road. The Subject Lands and the surrounding land uses are shown on Attachment 2. The Subject Lands are currently vacant.

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

The City on December 23, 2020, mailed a Notice of a Public Meeting to all property owners within 150 m radius from the Subject Lands, all properties between Teston Road and Ahmadiyya Avenue and the MacKenzie Ridge Ratepayers Association.

A copy of the Notice of Public Meeting was also posted on the City’s website at [www.vaughan.ca](http://www.vaughan.ca) and a Notice Sign was installed along the property line abutting Teston Road in accordance with the City’s Notice Signs Procedures and Protocols.

A Committee of the Whole (Public Meeting) was held on January 19, 2021, to receive comments from the public and the Committee of the Whole. Vaughan Council on January 26, 2021, ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of January 19, 2021, and to forward a comprehensive report to a future Committee of the Whole meeting. No individuals appeared before the Committee of the Whole at the Public Meeting.

## **Previous Reports/Authority**

The following are links to previous report regarding the Subject Lands:

Public Meeting (Applications) Report:

[January 19, 2021, Committee of the Whole \(Public Meeting\) \(Item 2, Report No. 2\)](#)

Block 34 East Block Plan Application (File BL.34.2014) Public Meeting Report:

[February 4, 2021, Committee of the Whole \(Public Meeting\) \(Item 5, Report No.6\)](#)

## **Analysis and Options**

### ***Zoning By-law Amendment and Draft Plan of Subdivision Applications have been submitted to permit the development***

Lorwood Holdings Inc. (the 'Owner') has submitted the following applications (the 'Applications') to rezone the Subject Lands as shown on Attachment 2 to permit the development of a plan of subdivision consisting of employment, mixed-use employment/commercial and service node uses, a natural heritage system block and public roads (the 'Development') as shown on Attachment 3:

1. Zoning By-law Amendment File Z.20.033 to rezone the Subject Lands from "A Agricultural Zone" subject to site-specific Exception 9(593) to "EM2 General Employment Area Zone", "C4 Neighbourhood Commercial Zone", "C7 Service Commercial Zone" and "OS1 Open Space Conservation Zone" in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report.
2. Draft Plan of Subdivision File 19T-20V006 to facilitate the proposed Plan of Subdivision ('Draft Plan'), as shown on Attachment 3, consisting of the following:

Blocks	Land Use	Area (ha)
1	General Employment	3.14
2	Service Node	1.22
3	Natural Heritage System (Open Space)	1.03
4	Future Development Block	0.10
5-10	0.3 m Reserves	0.02
	Roads and Road Widening	0.89
Total		6.40

### ***The Development is consistent with the Provincial Policy Statement 2020, subject to the recommendations in this report***

In accordance with Section 3 of the Planning Act, all land use decisions in Ontario "shall be consistent" with the Provincial Policy Statement 2020 (the 'PPS'). The PPS provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all

Ontarians. Key policy objectives include building strong, healthy communities; the wise use and management of resources; and protecting public health and safety.

The *Planning Act* requires that Vaughan Council's planning decisions be consistent with the PPS. The Development is consistent with the policies of the PPS, specifically Sections 1.1.1, 1.1.3, 1.3.2.3 and 2.1.1 to provide employment opportunities, diversify the City's economic base and protect employment areas in proximity to a major goods movement facility.

In summary, the Development will facilitate significant employment opportunities within in a Settlement Area. The Subject Lands are in proximity to a major goods movement facility (Highway 400), utilize existing and planned infrastructure to service the lands, and protect natural features through the use of appropriate zoning and the delineation of the NHS blocks within in the Draft Plan that will be conveyed to public ownership. In consideration of the above, the Development is consistent with the PPS.

***The Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020***

A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020 (the 'Growth Plan') is intended to guide decisions on a wide range of issues, including economic development, land use planning, urban form, and housing. The Growth Plan encourages population and employment growth within Settlement Areas and promotes the development of complete communities that offer a mix of housing types, access to local amenities and connections to municipal water and wastewater systems. Council's planning decisions are required by the Planning Act to conform, or not conflict with, the Growth Plan.

Sections 2.2.1, 2.2.5 and 4.2.2 of the Growth Plan contains policies that promote the following:

- Direct population and employment growth in Settlement Areas
- Make more efficient use of underutilized employment lands and increasing employment densities;
- Ensuring new development protects Natural Heritage System ('NHS') that contain key natural heritage and key hydrologic features or their functions

The Development conforms to the policy framework of the Growth Plan as it utilizes existing employment areas more efficiently, is located within a Settlement Area, in proximity to a 400 series Highway, the key natural heritage features are protected under the planned Open Space Conservation Zone provisions and NHS blocks, and it provides employment and commercial opportunities supportive of the Growth Plan objectives. Existing and planned infrastructure will also be utilized to service the Subject Lands.

Accordingly, the Development conforms to the Growth Plan.

***A portion of the Subject Lands and adjacent properties are subject to a Minister's Zoning Order ('MZO')***

The Subject Lands forms part of the Block 34 East Plan area where three Provincially Significant Wetlands ('PSW's') have been identified. They include two on the Council approved Fenmarcon Developments Inc. (formally known as Conmar Development Inc. & Fenlands Vaughan Inc. Files: Z.19.007 and 19T-19V002) lands and one that traverse between the Subject Lands and the neighbouring Fleur de Cap Development Inc. & Cuenca Development Inc properties (File:19T-20V005), as shown on Attachment 2. The landowners of the noted properties submitted a joint MZO to declassify these PSW's to facilitate future employment uses. The Committee of the Whole meeting on March 9, 2020, considered and approved a Member's Resolution supporting the MZO and Council on March 11, 2020, ratified the Committee's recommendation. Council's resolution was then forwarded to the Minister of Municipal Affairs and Housing ('MMAH') for consideration. MMAH issued the MZO on April 24, 2020, to declassify the PSW's to facilitate employment uses within the southern portion of Block 34 East Plan.

The declassification of the three wetlands by way of the MZO was contingent on the landowners creating a relocation/compensation strategy that contributes to the NHS blocks within the Draft Plan and the neighbouring (Fleur De Cap Development Inc. & Cuenca Development Inc.) property (Attachment 3). The relocation/compensation strategy proposed in the Draft Plan includes four relocation/compensation wetland areas within the proposed NHS blocks. The result is an ecological net gain with a total NHS area of 18.05 ha that will traverse between the Subject Lands and the neighbouring (Fleur De Cap Development Inc. & Cuenca Development Inc.) property as noted in the Environmental Impact Study ('EIS') dated April 2021, prepared by *Savanta A GEI Company*.

On December 8<sup>th</sup>, 2020, the Ministry of Natural Resources and Forestry ('MNR') provided the Toronto Region and Conservation Authority ('TRCA') a letter endorsing the declassification of the three wetlands through the approved MZO and recognized the relocation/compensation strategy required in order to achieve a net positive environmental outcome for the affected properties including the Subject Lands.

The four wetland areas added to the proposed NHS blocks in the Draft Plan and neighbouring (Fleur De Cap Development Inc. & Cuenca Development Inc.) property will compensate for the loss in the existing wetlands, natural features, and head drainage features ('HDF') that are identified in the southern portion of Block 34 East Plan area.

In consideration of the above, the Development is in keeping with the MZO.

***The Development conforms to the York Region Official Plan 2010***

The York Region Official Plan 2010 (the 'YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated as "Urban Area" on Map 1, "Regional Structure" and is identified as having a "Permanent or Intermittent Stream" on Map 2, "Key Hydrological Features" of the

YROP. Figure 2, York Region Strategic Employment Lands, also includes the Subject Lands in a Strategic Employment Land area.

YROP Chapter 4.3 “Planning for Employment Lands” states “it is the policy of Council to protect strategic employment lands”. These strategic areas are identified based on their proximity to existing and planned 400-series highways. Major retail is not permitted in strategic employment areas

Policy 4.3.14 require that local municipalities, in consultation with York Region, prepare comprehensive secondary plans for new employment lands. Policies 4.3.17 and 4.3.18 encourage the creation of diverse lot sizes on employment lands. Employment lands shall also be flexible and adaptable and include street patterns and building design that facilitate development and intensification. The Subject Lands are a part of the 400 North Employment Lands Secondary Plan (OPA 637). The Secondary Plan includes policy directives that encourage a diverse range of lot sizes to accommodate a range of different employment sectors.

Policies 2.2.3 and 2.2.5 of YROP states that key natural heritage features and key hydrologic features shall be precisely delineated on a site-by-site basis and that development and site alteration within 120 m of a key natural heritage feature or key hydrological feature shall be accompanied by an EIS.

In support of the Applications, the Owner submitted an EIS prepared by *Savanta A GEI Company, dated April 2021* that concluded that no negative impacts on significant natural features and their associated functions would occur with the proposed Development. The Subject Lands are part of the Block 34 East Plan area which also include the land to the north and the neighbouring (Fleur De Cap Development Inc & Cuenca Development Inc.) property. These lands contain three PSWs that will be relocated through a comprehensive compensation/relocation strategy. The four wetlands compensations areas that will be incorporated into the Development will result in an ecological net gain, with a total NHS block area of 18.05 ha between the Subject Lands and the neighbouring (Fleur De Cap Development Inc & Cuenca Development Inc.) property. Block 3 within the Draft Plan forms part of the NHS.

In consideration of the above, the Development conforms to the YROP.

***The Development conforms to Vaughan Official Plan 2010***

Schedule 1 - “Urban Structure” of the Vaughan Official Plan 2010 (‘VOP 2010’) identifies the Subject Lands as being in an “Employment Area” and includes the “Natural Areas and Countryside” designation. Schedule 13 - “Land Use” shows the Subject Lands are located within an area identified as “Lands Subject to Secondary Plans”, of Section 11.4 on Schedule 14-A (Volume 2 of VOP 2010)

The “Natural Areas” designation identifies portions of the City as being part of the Natural Heritage Network (‘NHN’). Policy 3.2.3.1 of VOP 2010 require the NHN be protected and enhanced, as an interconnected system of natural features. Natural

features are identified as “Core Features” which include wetlands, woodlands and extensive valley and stream corridors. The location of the NHN on the Subject Lands coincides with the “Potential Valley and Steam Corridor” designation as identified in the Secondary Plan and the NHS limits as proposed in the Draft Plan. The Applications propose to create NHS blocks together with the OS1 Opens Space Conservation Zone to ensure the Core Features located on the Subject Lands are protected and enhanced as intended by Policy 3.2.3.1 of VOP 2010.

Policy 3.2.3.1 c) requires that Core Features and their minimum vegetation protection zones (VPZ) be dedicated to an appropriate public agency (e.g., the City or the TRCA) at no public expense, through the development approval process. The conveyance of these lands will be secured through the Draft Plan File 19T-20V006 to ensure the integrity of the ecological systems on or within direct proximity to the Subject Lands will be maintained. The development limits of the Subject Lands, including the protection of the NHN, has been determined concurrently through the Block 34 East Plan and the Draft Plan process in accordance with the policies of VOP 2010

#### Highway 400 North Employment Lands Secondary Plan ('OPA 637') (the 'Secondary Plan')

The Subject Lands are designated the following under Schedule C of the Secondary Plan:

- “General Employment Area”
- “Mixed Use Area – Employment /Commercial” and
- “Potential Valley and Steam Corridor”

The Secondary Plan amends OPA 450 and OPA 600, which relies on the underlying policies of OPA 450 as they relate to the Subject Lands.

The “General Employment Area” designation are located at the centre of the employment lands and is serviced through an internal road network. The designation is contemplated to provide locational opportunity for industrial development which may require outside storage or uses not consider conducive to achieving a high-quality streetscape. The General Employment Area designation is to be located away from the major arterial roads and provincial highways. Block 1 will permit General Employment uses as it is located away from Teston Road and interior to the subdivision, as shown on Attachment 3.

The “Mixed Use Area – Employment /Commercial” designation is intended to permit a range of large-scale uses, such as institutional uses, places of worship, hotels, and banquet halls, as well as a range of commercial facilities and employment. The Draft Plan will be zoned to permit these uses. Block 4 as shown on Attachment 2 will contain uses associated with Prestige Area designation along with commercial retail. Outside and/or open storage will not be permitted within this block through the implementing zoning by-law.

The Secondary Plan designates areas within the Subject Lands as “Potential Valley and Stream Corridor”. This designation coincides with the “Natural Areas” designation as prescribed on Schedule 13 - “Land Use” of VOP 2010. These areas are to be conserved through the design and creation of NHS blocks. The declassification of the PSWs identified on the Subject Lands, the lands to the north and the coordinated (Fleur De Cap Development Inc & Cuenca Development Inc.) property will be compensated through four additional wetland areas that will be incorporated into the NHS blocks and provide for greater enhancement and protection of the Natural Areas. The appropriate buffer zones have also been taken into consideration and included in the limit of the NHS blocks. As shown on Attachment 3, Block 3 of the Draft Plan will form part of NHS block.

Policy 11.4.2.1.J ‘e,iii of the Secondary Plan allows for the size and location of Service Nodes to be determined through the approval of the Block Plan. Block Plan 34 East identifies the area known as Block 2 within the Draft Plan as a Service Node. The contemplated uses within the Service Node are commercial use that is supportive of the business planned for the employment community.

In consideration of the above, the Development conforms to VOP 2010 and OPA 450, as amended by the Secondary Plan (OPA 637).

***A Block Plan application was submitted by the Participating Landowners Group, collectively known as the “Block 34 East Landowners Group”***

Section 3.4.2 of OPA 450, as amended by the Secondary Plan (OPA 637), requires a Block Plan for greenfield development be prepared. Policy 3.4.2.c further states “Block plans shall form the basis for the preparation and submission of implementing draft plans of subdivision, zoning amendment applications, and/or site development applications.”

A Block Plan application (File BL.34E.2014) (the ‘Block Plan’) was submitted on April 12, 2016, by the Block 34 East Landowners Group Inc. Subsequent submissions were made on March 13, 2019, June 9, 2020, and May 31, 2021. The Subject Lands are part of the Block 34 East Block Plan area and the Landowners are members of the Block 34 East Landowners Group Inc. as shown in Attachment 4.

The Owner is a participating landowner in the Block Plan application process. The Draft Plan is being coordinated with the ongoing Block Plan application process to ensure the Applications conform with the policies of the Block Plan.

The Draft Plan when completed will provide significant economic development opportunities to the City of Vaughan, through the ability to offer serviced employment lands within proximity to Highway 400 while concurrently protecting and conserving natural areas as identified in the Secondary Plan.

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



The Subject Lands are zoned “A Agricultural Zone” subject to site-specific Exception 9(593) by Zoning By-law 1-88 which does not permit the proposed employment and commercial uses. The Owners are proposing to rezone the Subject lands to “EM2 General Employment Zone”, “C4 Neighbourhood Commercial Zone”, “C7 Service Commercial Zone” and “OS1 Open Space Conservation Zone” as shown on Attachment 3. The proposed site-specific exceptions to Zoning By-law 1-88 are identified in Table 1 as follows:

Table 1:

	<b>Zoning By-law 1-88 Standards</b>	<b>EM2 General Employment Zone Requirements</b>	<b>Proposed Exceptions to the EM2 General Employment Zone</b>
a.	Definition of “Lot Line, Front”	Lot Line, Front means (in part) lot line facing the main entrance of the building	Block 1: Street 1 (Will be developed in conjunction with Blocks 5 and 16 of Draft Plan of Subdivision 19T-20V005, Attachment 2)
b.	Definition of a “Distribution Facility”	Distribution Facility – not defined in By-law 1-88	Means a building or part of a building used primarily for the storage and distribution of goods and materials, including the outside storage and maintenance of commercial motor vehicles, heavy commercial vehicles, and intermodal containers
c.	Definition of “Outside Storage”	Means the leaving, placing, or parking of goods, materials, machinery, equipment, or vehicles on a lot and not covered by a structure in the EM2 Zone only	the leaving, placing, or parking of equipment or vehicles including trucks, trailers, and tractor trailers accessory to a warehouse or Distribution Facility shall not be deemed to be Outside Storage but shall be subject Section 6.3.2. with the exception of having a maximum permitted height of 4.5 m
d.	Permitted Uses	All uses permitted in an EM1 Zone, except Hotel, Motel, Convention Centre, and Personal Service Shop, subject to Section 3.8 <ul style="list-style-type: none"> <li>- All Season Sports Facility, subject to Section 3.8</li> <li>- Autobody Repair Shop</li> <li>- Building Supply Outlet</li> <li>- Car Brokerage, including trucks</li> </ul>	In addition to the uses permitted in an EM2 Zone, the following uses shall be permitted 100 m from Teston Road in Block 1: <ul style="list-style-type: none"> <li>- Autobody Repair Shop</li> <li>- Building Supply Outlet</li> <li>- Car Brokerage, including trucks</li> <li>- Contractor’s Yard</li> <li>- Equipment Sales/ Rental Establishment</li> </ul>

		<ul style="list-style-type: none"> <li>- Club or Health Centre</li> <li>- Contractor's Yard</li> <li>- Equipment Sales/ Rental Establishment</li> <li>- Meat Packing and Processing, not including accessory outside storage</li> <li>- Public Garage</li> <li>- Scrap Paper Storage, sorting or Baling</li> <li>- Service or Repair Shop, including repair of heavy equipment</li> <li>- Truck Terminal</li> </ul>	<ul style="list-style-type: none"> <li>- Meat Pack and Processing, not including accessory outside storage</li> <li>- Public Garage</li> <li>- Scrap Paper Storage sorting or Baling</li> <li>- Service or Repair Shop, including repair of heavy equipment</li> <li>- Truck Terminal</li> </ul>
e.	Landscaping strip width Requirements	i) 7.5 m width abutting Open Space Zone	i) Shall not apply
	Accessory Buildings	No accessory building or structure shall be located in any yard, or area abutting a yard, which abuts, Highway 400	Accessory building or structure shall be permitted in any yard, or area abutting a yard, which abuts Highway 400 or a reserve abutting the same with a minimum setback of 14 m
	<b>Zoning By-law 1-88 Standards</b>	<b>C4 Neighbourhood Commercial Zone Requirements</b>	<b>Proposed Exceptions to the C4 Neighbourhood Commercial Zone</b>
a.	Definition of a Front Lot Line	Lot Line, Front means (in part) lot line facing the main entrance of the building	Block 4: Teston Road (Will be developed in conjunction with Block 2 in Draft Plan 19T-20V005, Attachment 2)
b.	Maximum Lot Area	25,000 m <sup>2</sup> or (2.5 ha)	149,700 m <sup>2</sup> (14.97 ha) When merged with block 2 of 19T-20V005 only
c.	Permitted Uses	<ul style="list-style-type: none"> <li>- Bank or Financial Institution</li> <li>- Brewers Retail Outlet</li> <li>- Business or Professional Office</li> <li>- Club or Health Centre</li> <li>- Eating Establishment</li> <li>- Eating Establishment, Convenience</li> <li>- Eating Establishment,</li> <li>- Take-Out L.C.B.O. Outlet</li> <li>- Personal Service Shop</li> </ul>	<p>Permit the following additional uses in Block 4 provided they are fully enclosed with no open storage:</p> <ul style="list-style-type: none"> <li>- Employment Use</li> <li>- Accessory Retail Sales to an Employment Use</li> <li>- Accessory Office Uses to an Employment Use</li> <li>- Banquet Hall, in a Single Unit Building, subject to Section 3.8</li> </ul>

		<ul style="list-style-type: none"> <li>- Pet Grooming Establishment, to be contained within a wholly enclosed building</li> <li>- Pharmacy</li> <li>- Photography Studio</li> <li>- Place of Entertainment</li> <li>- Retail Store</li> <li>- Service or Repair Shop</li> <li>- Supermarket</li> <li>- Veterinary Clinic Video Store</li> </ul>	<ul style="list-style-type: none"> <li>- Bowling Alley, subject to Section 3.8</li> <li>- Business and Professional Offices</li> <li>- Club, Health Centre, provided that the use is not located in a building which abuts a provincial highway, excepting Highway #7</li> <li>- Convention Centre, Hotel, Motel, subject to Section 3.8</li> <li>- Funeral Home in a Single Unit building and subject to Section 3.8</li> <li>- Car Brokerage</li> <li>- Office Building</li> <li>- Recreational Uses, including a golf driving range and miniature golf course</li> <li>- Service and Repair Shop</li> <li>- An Automobile Service Station, Automobile Gas Bar, Car Wash</li> <li>- Building Supply Outlet</li> </ul> <p>The following uses shall not be permitted:</p> <ul style="list-style-type: none"> <li>- individual retail uses in buildings with ground floor plates in excess of 2,800 m<sup>2</sup> in size; and/or, any uses which require outside storage of goods and materials</li> </ul>
d.	Commercial Frontage	No provision in By-law 1-88	Where single-use buildings are for retail or service commercial uses, they shall not occupy more than 25% of the frontage on Teston Road;
e.	Minimum Landscape Strip width	6 m	3 m
	<b>Zoning By-law 1-88 Standards</b>	<b>C7 Service Commercial Zone Requirements</b>	<b>Proposed Exceptions to the C7 Service Commercial Zone</b>

a.	Definition of a "Front Lot Line"	Lot Line, Front means (in part) lot line facing the main entrance of the building	Block 2: Teston Road (Will be developed in conjunction with Block 15 in Draft Plan 19T-20V005, Attachment 2)
b.	Minimum Landscape strip width	6 m	3 m for block 2
c.	Minimum Front Yard	9 m	3 m for block 2
d.	Minimum Rear Yard	22 m	3 m for block 2
e.	Minimum Interior Side Yard	6 m	3 m for block 2
f.	Minimum Exterior Side Yard	9 m	3 m for Block 2

The Development Planning Department can support the proposed zoning exceptions identified in Table 1 for the following reasons:

The proposed Employment and Commercial Zones implement the policies of the Secondary Plan for the Subject Lands and are therefore considered appropriate. The zoning by-law amendment will have restrictive measures to ensure land-use compatibility is achieved. The zoning provisions are also consistent with similar applications approved within the immediate area. The related Draft Plan contains a number of conditions for the associated blocks to ensure the Draft Plan implements appropriate infrastructure improvement to service the proposed zoning.

**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. A notice of the passing was circulated on October 25, 2021, in accordance with the *Planning Act*. The last date for filing an appeal to the Ontario Land Tribunal in respect of By-law 001-2021 was November 15, 2021. By-law 001-2021 is currently under appeal and, when in force, will replace Zoning By-law 1-88, as amended. Transition policy 1.6.3.3 of By-law 001-2021 exempts the Owner from demonstrating conformity to By-law 001-2021 as the application for the Development was filed and deemed complete (November 30, 2020) prior to the enactment of By-law 001-2021.

**The Planning Act enables a municipality to pass a resolution to permit the Owner to apply for a future Minor Variance application(s), if required, within 2 years of a Zoning By-law coming into full force and effect**

Section 45(1.3) of the *Planning Act* limits an Owner from applying for a Minor Variance application(s) to the Vaughan Committee of Adjustment before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect. However, the *Planning Act* also enables Council to pass a resolution to allow an Owner to apply for a Minor Variance Application(s) to permit minor adjustments to the implementing Zoning By-law, prior to the two-year moratorium.

The Development Planning Department has included a Recommendation to permit the Owner to apply for a Minor Variance application(s) to address refinements to the Development that may arise through the final design and construction process. A condition to this effect is included in the Recommendations of this report.

***The Development Planning Department has no objection to the approval of the Development, subject to the Recommendations in this report***

**Subdivision Design**

The Draft Plan will function in tandem with the Council Approved Draft Plan of Subdivision (Fenmarcon Developments Inc. File 19T-19V002) to the north and the neighbouring (Fleur De Cap Development Inc. & Cuenca Development Inc. Files Z.20.032 and 19T-20V005) that are being processed and considered concurrently with these Applications.

The Draft Plan shown on Attachment 3, includes one General Employment Block, one Service Node block, one Mixed-use Commercial/Employment Block, one NHS (Open Space) block, 6 (0.3 m reserve blocks) and two new public roads ('Street 1' and 'Street 2' rights-of-way).

The General Employment Block will offer a wide range of employment use that will be appropriately separated from residential and other sensitive land uses. The Block is located within the centre of the Draft Plan and away from Teston Road.

The Draft Plan includes a Service Node block that will be located along Teston Road. The Service Node will serve smaller scale commercial needs specific to the employment lands. Block 4 along the east side of Street 1 will function as both a gateway into the Subject Lands and provide supporting employment and commercial services to the immediate area and adjacent residential lands.

The NHS block (Opens Space) is contemplated as a protective measure to conserve and protect the Core Features that are located within the Natural Area of the Subject Lands. These Core Features include a watercourse (Purpleville Creek, tributary of the Humber River), valley system, wetlands, and woodlands. The declassification of 3 PSW's as previously discussed, unevaluated wetlands and HDF will be compensated with the addition of 4 new wetland areas that will be located in the NHS blocks, resulting in a total NHS area of 18.049 ha, traversing over the Subject Lands and the neighbouring (Fleur De Cap Development Inc. & Cuenca Development Inc.) properties.

The remaining 6 blocks will be used for 0.3 m reserves along the edges of the road right-of-way and property line.

The Development Planning Department supports the proposed Draft Plan, subject to the Recommendations and the Conditions of Draft Plan of Subdivision Approval outlined in Attachment 1 of this report.

***Part Blocks 1, 2, and 4 on the Draft Plan are to be developed with adjacent Blocks 2, 5, 15 and 16 on Fleur De Cap Development Inc. & Cuenca Development Inc.) Draft Plan File 19T-20V005***

Blocks 1, 2, and 4 within the Draft Plan are to develop and merge with, the adjacent blocks within the (Fleur De Cap Development Inc. and Cuenca Development Inc.) Draft Plan (File 19T-20V005), prior to the issuance of any building permits on the noted blocks. A condition to this effect is included in the Conditions of Approval outlined in Attachment 1a) of this report and within the provisions of the corresponding zoning by-law amendment.

Urban Design

All future development within the Draft Plan is required to proceed in accordance with the Council approved City-wide Urban Design guidelines and the Block 34 East Employment Lands Urban Design Guidelines prepared by KLM Planning Partners Inc. and A Baldassarra Architect Inc. A condition to this effect is included in Attachment 1a).

Sustainability Performance Metrics

The Development achieves an overall Sustainability Performance Metrics ('SPM') application score of 28 (bronze level). This score meets the minimum threshold requirements of 21.

Cultural Heritage

The Subject Lands known as 3180 Teston Road are included on the Municipal Heritage Inventory under Section 27 of the *Ontario Heritage Act*. The Development Planning Department, Urban Design and Cultural Heritage Division advised that the built heritage resource on the property was demolished in 2011. The Subject Lands however were not officially removed as part of the Municipal Heritage Inventory as a Listed property at the June 2012 Heritage Vaughan meeting when it's demolition was discussed. It was advised that the Owner send a letter to the Urban Design and Cultural Heritage Division to formally request its removal. The City recently received a letter requesting the removal and is currently being reviewed.

In 2006/2007, a Stage 1-2 Archaeological Assessment ('AA') was done which identified a Euro-Canadian Site which was mitigated through a Stage 3-4 AA. In 2020/2021, another Stage 1-2 AA was conducted, in keeping with the 2011 Standards and Guidelines for Consultant Archaeologists. During the visual survey, a diffuse scatter was discovered on the property. The artifacts were collected as part of a Stage 3 equivalent Controlled Surface Pickup ('CSP'). No further work was recommended, and the AA was accepted by the Ministry of Heritage, Sport, Tourism and Culture Industries ('MHSTC').

In the fall of 2021, the Mississauga Credit First Nation and the Huron Wendat First Nation identified concerns with the AA. Neither the 2007 or the 2021 Stage 1-2 AA referenced the Huron Wendat Indigenous Village and Ossuary by name or by the Borden Identification Number (Archaeological Site Number). The 2021 AA only briefly referenced the Borden Identification Number and identified as an “Othercamp/campsite” without any reference to the Teston Ossuary and did not refer to the policies of the 2015 York Region Archaeological Master Plan (‘YRAMP’). Both the Huron Wendat First Nation and Mississauga Credit First Nation requested that the policies of the YRAMP be followed in the context of the Block 34 East properties.

As the Subject Lands are within 1 km of a significant village site and a known ossuary site, it was initially recommended that further disturbance of site, such as topsoil removal and grading be subjected to archaeological monitoring during these works. After further engagement with First Nations communities and joint review of previous reports it was agreed that the Subject Lands would not require further archaeological monitoring. Staff are therefore applying, the Standard Archaeological Clause, which is included in the Conditions of Approval, Attachment 1a).

***The Policy Planning and Environmental Sustainability (‘PPES’) Department has no objection to the Applications***

The PPES Department has no objection to the approval of the Applications. The Owner shall ensure the provisions of the *Endangered Species Act, 2007, S.O. 2007* are not contravened and comply with any Ministry of Environment, Conservation and Parks (‘MECP’) regulations and guidelines to protect Species at Risk and their habitat. A clause to this affect has been included in Attachment 1a of this report.

***The Development Engineering (‘DE’) Department supports the Development, subject to Conditions of Approval***

The DE Department has provided the following comments regarding the Development:

**Road Network and Transportation**

Transportation Engineering has reviewed the Transportation Mobility Plan prepared by Crozier Consulting Engineers dated May 2021 and is satisfied with the report. However, a block plan level of study will be provided to finalize the transportation network improvements in accordance with the City and Ministry of Transportation (‘MTO’) conditions. The Draft Plan (Attachment 3) will include a 0.3 m reserve that terminates at dead ends, opens side road allowance, and will be conveyed to the City. The provisions to lift the reserve will be contingent on meeting the City’s requirements including, but not limited to an updated Transportation Study that is to satisfaction of the City of Vaughan and the MTO.

The Subject lands are fronting Teston Road and will be connected to Jane Street through future east-west collector roads within the adjacent Draft Plan of Subdivision. These arterial roads will be widened to accommodate future traffic volumes. The Draft Plan will consist of 2 new municipal roads within the Subject Lands. Street 1 will be the

main north to south spine road with a minimum width of 26m. This major collector road will link the neighbouring lands to the north with Teston Road to the south. Street 2 will connect to Street 1, terminating at a cul-de-sac.

All new roads will have sidewalks on both sides. In addition, dedicated in-boulevard bike lanes will be constructed on Street 1, supplementing the larger cycling network of the City in the future. Provision of the active transportation facilities and TDM measures within each site will be further reviewed at the site plan stages.

### Noise

The Owner has provided an Environmental Noise Feasibility Report dated October 30<sup>th</sup>, 2020, by Valcoustics Canada Ltd. The report identifies noise sources impacting the Subject Lands such as: vehicular traffic from Highway 400, Jane Street and Teston Road. Other potential noise sources include HVAC equipment, loading docks and other activities associated with the contemplated commercial and employment uses. The report provides recommendations including measures such as orienting noise sources toward non-noise-sensitive receptors and the selection of quieter equipment for HVAC system.

Mitigation measures will be further defined through future Site Development applications to ensure that the proposed uses comply with the sound level limits at the neighbouring receptors.

### Water Supply Servicing

The Subject Lands are in Pressure District ('PD') 7 of the York Water Supply System. Water supply will be conveyed through a connection under Street 1 and Jane Street as identified in the Draft Plan to an existing 900mmØ watermain on Teston Road.

The Subject Lands will require an interim water servicing strategy that will be subject to York Region's approval and is required in order to service the neighbouring lands to the north which will be developed in advance of PD8 infrastructure. In order to facilitate the interim strategy, the neighbouring landowner to the north will be required to arrange with the landowners of the Subject Lands, an agreement for the design and construction of the future watermain from Teston Road to supply water service for their lands and the Subject Lands. The neighbouring landowner will be required to pay for all costs toward the additional operation and maintenance and decommissioning costs of the interim water servicing, as necessary, until the ultimate water strategy is implemented by York Region.

### Sanitary Servicing

The Draft Plan is contemplated ahead of the ultimate sanitary solution for Block 34 East. The interim sanitary strategy includes a connection to the existing 300 mm diameter sanitary sewer located south of Teston Road on Mahmood Court. The existing sanitary sewer network south of Teston Road is primarily serviced for residential land uses and did not originally account for any additional contribution to the system from Block 34 East lands (including the Subject Lands which will be used for employment and



commercial purposes). As part of the interim strategy, sanitary storage will be required. In order to accomplish this, sewer superpipes will be placed along Street 1 on the north side of Teston Road. The interim sanitary strategy for the Subject Lands will be evaluated and subject to the Interim Servicing Strategy ('ISS') Study of 2019.

#### Storm Servicing

The Subject Lands are not serviced by existing storm water management infrastructure. According to The Master Environmental Servicing Plan Addendums Block 34 East ('MESP') storm water management ponds ('SWMP') for the Subject Lands will be constructed within the neighbouring Fleur De Cap Development & Cuenca Development properties to accommodate the flow from the Subject Lands. The proposed storm sewer will be drained into the adjacent ponds located on Blocks 6 and 7 of Draft Plan 19T-20V005 as per the MESP.

#### Environmental Site Assessment ('ESA')

A Phase One ESA was undertaken and provided in support of the Applications for the Subject Lands and the neighbouring Fleur De Cap Development Inc. and Cuenca Development Inc. property. The Phase One ESA was reviewed, and its conclusions recommended a Phase Two ESA to investigate the potential environmental concerns associated with the presence of historical fuel oil storage tank, presence of fill materials, and pesticides for farming purposes. As such, the Environmental Engineering Division of the DE Department noted within the December 2020 memorandum that the Phase Two ESA be undertaken and a copy of the report provided to the City for review, including a Reliance Letter.

The Phase Two ESA concluded that subsurface environmental conditions at the Subject Lands were found to be suitable for the Draft Plan and the proposed uses. Soil and groundwater results to-date were found to have met the applicable MECP site condition standards. The Phase Two ESA also recommended that groundwater monitoring wells present on Subject Lands may be maintained for on-going monitoring purposes and decommissioned if no longer needed by a licensed well contractor in accordance with Ontario Regulation 903. Environmental Engineer has reviewed the findings of the Phase Two ESA along with the associated Reliance Letter and is satisfied with the results.

#### Grading Design/Erosion and Sediment Control

The existing topography indicates grade difference as a result of the Purpleville Creek, tributary of the Humber River traversing the Subject Lands at the northwest corner. Grading as result of the Draft Plan and subsequent Development are to occur outside the NHS block to maintain the natural integrity of the slope within valley system. Final grading and erosion mitigation measures are subject to the review and approval of the TRCA and shall meet the City lot grading criteria.

#### Block 34 East Developer's Group Agreement

The Subject Lands are located within Block 34 East plan and is subject to a Developers' Group Cost Sharing Agreement with other participating landowners. The Owners are a member of the Block 34 East Landowner's Group (i.e., Developers' Group) and is

required to satisfy all obligations, financial and otherwise, to the satisfaction of the Block 34 Trustee and the City of Vaughan. The agreement shall be regarding but not limited to all cost sharing for the provision of parks, cash-in-lieu of parkland, roads and municipal services within Block 34 East. A condition to this effect is included in Attachment 1a.

***The Financial Planning and Development Finance Department advises Development Charges ('DCs') are applicable for the Development***

The Financial Planning and Development Finance Department requires the Owner enter into a subdivision agreement with the City of Vaughan to satisfy all conditions, financial or otherwise of the City, with regard to such matters as the City may consider necessary, including DCs. Clauses for the payment of DCs are included as standard conditions in the Subdivision Agreement

***Cash-in-lieu of the dedication of parkland is not required***

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 51 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.”

The Office of Infrastructure Development Department, Real Estate Services advises cash-in-lieu of the dedication of parkland payment in accordance with Section 42 of the *Planning Act* will not be required as long as the Council Policy waiving such payment remains in effect for industrial land.

***The Parks Infrastructure Planning and Development ('PIPD') Department has no objection to the Development, subject to the Conditions of Approval***

The PIPD Department has reviewed the trail has no objection to the Applications, subject to the Conditions of Approval contained in Attachment 1 and 1a.

***The Forestry Operations Division has no objection to the Applications, subject to the Conditions of Approval***

The Owner is required to enter into a “Tree Protection Agreement” with the City in accordance with the Vaughan Council enacted Tree Protection By-law 052-2018 and the City’s Tree Protections Protocol. A condition to this effect is included in Attachment 1a of this report.

***The TRCA has no objection to the Applications***

The TRCA has no objection to the Applications, subject to their conditions included in Attachment 1c of this report.

The TRCA supports the Applications provided the access roads to the Stormwater Management Pond be located outside the NHS Blocks and the related buffer zone. The TRCA notes that the NHS blocks are to be free of grading encroachments as well as any proposed trail plan associated with the Draft Plan. The TRCA confirms that the NHS

blocks are to be conveyed into public ownership as identified in their Conditions of Approval found in Attachment 1c.

The TRCA has also issued C-Permits for the re-location and loss of wetlands within the NHS blocks. The permits follow the description prescribed in the MESP and are required in order to alter the PSWs identified on the Subject Lands and neighbouring Fleur De Cap Development Inc. & Cuenca Development Inc. property. Final NHS limits and boundaries are to be verified by the TRCA prior to final approval.

***The MTO has no objection to the Development***

The MTO has no objection to the Applications provided that any new buildings/structures (including internal roads) above and below ground (including SWMP) be setback a minimum distance of 14 m from the Hwy 400 property line. The Owners are also required to provide a Traffic Impact Study, for the entire Block 34 East, prepared in accordance with the Ministry's guidelines, addressing the anticipated traffic volumes and their impact on Hwy 400/Teston Road interchange prior to final approval. The Conditions of Approval from MTO are contained in Attachment 1d and 1d) a.

***Canada Post has no objection to the Development, subject to Conditions of Approval***

Canada Post has no objection to the Development, subject to their Conditions of Approval in Attachment 1f).

***The various utility companies have no objection to the Development, subject to Conditions of Approval***

Bell Canada, Enbridge Gas and Alectra Utilities have no objection to the Applications, subject to their Conditions of Approval in Attachments 1e, 1g and 1h respectively. Rogers Communications and Hydro One Networks Inc. have no objection to the Applications.

**Financial Impact.**

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

**Broader Regional Impacts/Considerations**

York Region has no objections to the Applications, subject to their comments and Conditions of Approval included in Attachment 1b).

**Conclusion**

The Development Planning Department has reviewed Zoning By-law Amendment and Draft Plan of Subdivision Files Z.20.033 and 19T-20V006 in consideration of the applicable policies of the Provincial Policy Statement 2020, A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, the YROP, VOP 2010, OPA 450 as amended by OPA 637 the 400 North Employment Lands Secondary Plan, Zoning By-

law 1-88, comments from the public, City Departments and external public agencies, and the surrounding existing and planned land use context.

The proposed Development for the Subject Lands are consistent with the policies of the PPS and conforms to the Growth Plan, the YROP, and VOP 2010, specifically the 400 North Employment Lands Secondary Plan. The Development Planning Department can support the approval of the Applications, subject to the Recommendations in this report and the Conditions of Approval set out in Attachment 1.

**For more information**, please contact: OluwaKemi (Kemi) Apanisile, Planner, Development Planning Department, ext. 8210.

### **Attachments**

1. Conditions of Draft Plan of Subdivision Approval
2. Context and Location Map
3. Proposed Zoning and Draft Plan of Subdivision File 19T-20V006
4. Final Block 34 East Plan, dated June 2022

### **Prepared by**

OluwaKemi (Kemi) Apanisile, Planner, ext. 8210  
Margaret Holyday, Senior Planner, ext. 8216  
Mary Caputo, Senior Development Manager, ext. 8635  
Nancy Tucket Director of Development Planning, ext. 8529

### **Approved by**



Haiqing Xu, Deputy City Manager,  
Planning and Growth Management

### **Reviewed by**



Nick Spensieri, City Manager