



DATE: JUNE 7, 2022

TO: MAYOR AND MEMBER OF COUNCIL

FROM: HAIQING XU, DEPUTY CITY MANAGER, PLANNING AND GROWTH MANAGEMENT

**RE: COMMUNICATION - COMMITTEE OF THE WHOLE (1),
JUNE 7, 2022**

ITEM #20, REPORT #27

**2109179 ONTARIO INC.
ZONING BY-LAW AMENDMENT (TEMPORARY USE) FILE Z.20.018
SITE DEVELOPMENT FILE DA.20.029
3501 KING-VAUGHAN ROAD
VICINITY OF KING-VAUGHAN ROAD AND HIGHWAY 400
(REFERRED)**

Recommendation

The Deputy City Manager, Planning and Growth Management recommends:

1. THAT the Recommendation of the Committee of the Whole (1) Report dated June 7, 2022, include the following additional recommendation as proposed by the owner:
 - “4. THAT the implementing Zoning By-law (2109179 Ontario Inc.) shall include a provision that a 10 m buffer be provided from the existing dripline abutting the southern property line in accordance with the Redlined Site Plan shown on Attachment 3, to the satisfaction of the Development Planning Department.”
2. THAT Subsection 2 of Attachment 1 (Conditions of Site Plan Approval) of the Committee of the Whole (1) Report dated June 7, 2022, be amended to include the following provisions:
 - “d) The owner shall agree to install a video camera on the subject lands with clear unobstructed sight lines to the vehicular entrance to provide a photographic record of all trucks exiting the subject lands, including the licence plate number of each exiting truck, in addition to the existing signage advising that exiting westbound truck movement is prohibited.

The photographic records shall be stored in a format acceptable to the City and provided to the City by the owner for review at any point the City may require, to assist the City or other responsible authority in enforcing any turning restrictions applicable from the subject lands onto King-Vaughan Road, to the satisfaction of the By-law Enforcement and Compliance, Licencing and Permits Department;

- e) a. Subject to i. below, all outbound trucks will only exit the subject lands between the hours of 6 am to 7 pm Monday to Friday and 6 am to 12:00 pm on Saturdays. No outbound trucks will exit the Subject Lands on Sundays.
 - i. Occasionally, the owner will need outbound trucks to travel off the subject lands after 7 pm. This will only occur in the rare circumstance that a concrete pour has been interrupted for reasons beyond the owner's control and must be completed. However, no inbound trucks will travel onto the subject lands after 7 pm.
- b. All inbound trucks will only enter the property between the hours of 7 am to 7 pm Monday to Friday and 7 am to noon on Saturdays. No inbound trucks will enter the subject lands on Sundays.
- f) Jersey barriers or some other form of physical restriction shall be installed to prevent westbound movements by all types of trucks exiting the subject lands, thereby creating a left-in/right-out driveway access, supported through an Access Modification Report detailing the design and certified by a Professional Engineer, to the satisfaction of York Region and the Development Engineering Department;
- g) The Access Modification Report shall include details for turning prohibition signs and their location, to the satisfaction of York Region;
- h) The owner is required to obtain an Access Modification Permit to the satisfaction of York Region; and
- i) The owner shall provide the City with the dust management plan for the owner and the concrete crushing operator as required and submitted to the Ministry of Environment, Conservation and Parks.”

Background

At the May 10, 2022 Committee of the Whole (2) ('CW(2)') meeting, Council requested that Staff work with the Owner to discuss additional requirements to ensure compliance, should the Applications for a temporary use zoning by-law be approved. The Owner's solicitor, Davies Howe Land Development Advocacy and Litigation, provided a letter

dated May 27, 2022 ('Davies Howe letter'), attached hereto to this Communication, describing additional conditions of approval for the Applications.

The Development Planning Department generally agrees with the recommendations of the Davies Howe Letter, as identified in the Recommendations section of this Communication. However, the Davies Howe letter also stated that "the client is amenable to the inclusion of a provision in the temporary use by-law providing that the outdoor back-up batching plant shall only be operated at times when the main indoor batching plant is not operating and that the two batching plants may not be operated at the same time." As identified in Recommendation #1 of the CW(2) report, the Development Planning Department cannot support the second batching plant for the following reasons:

- the concrete batching plant has been in existence for over 12 years;
- the MECF has to date not yet made a decision on the request to approve an increase in production capacity and additional second outside portable concrete batching plant; and
- the current applications were submitted in 2020 and By-law 082-2018 expired May 23, 2021, making the May 2023 extension 3-years with no discontinued use of the concrete batching plant operation on the Subject Lands.

A security deposit via a Letter of Credit issued to the City was also suggested at the CW(2) meeting, to be drawn upon if any fines as a result of potential future by-law infractions occurred on the Subject Lands; however, the Owner believes there are sufficient enforcement mechanisms set out in the Davis Howes letter including the placement of jersey barriers to convert the entrance into a left-in/right out access (thereby directing all outbound traffic toward Jane Street) and the installation of the video camera. These measures are considered appropriate and can be better enforced than through a security deposit.

Conclusion

The Development Planning Department has reviewed the Davies Howe letter and the Owner's suggested conditions of approval. The Development Planning Department has no objection to the above additional recommendations to the May 10, 2022 CW(2) staff report, with the exception of the permission for the second outside portable concrete batching plant.

Respectfully submitted,



Haiqing Xu
Deputy City Manager, Planning and Growth Management

Attachment 1. Davies Howe Letter dated May 27, 2022

Robert G. Miller
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Main: 416.977.7088
Fax: 416.977.8931
File No. 702494

May 27, 2022

By E-Mail Only to *wendy.law@vaughan.ca*

Ms. Wendy Law
Deputy City Manager, Legal and Administrative Services and City Solicitor
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Ms. Law:

**Re: 2109179 Ontario Inc. (the “Owner”)
Zoning By-law Amendment (Temporary Use) File Z.20.018, Site Development
File
DA 20.029 (the “Applications”)
3501 King Vaughan Road (the “Subject Lands”)
City of Vaughan (the “City”)**

We are counsel to the Owner. Further to our meeting of May 24, 2022, we have consulted with our client and can confirm it will agree to the following conditions of approval for the Applications:

1. The area adjacent to the southern property line of the Subject Lands, for which there is a 10m buffer required from the existing dripline, will remain free and clear from all storage material.
2. Jersey barriers or some other form of physical restriction will be installed to prevent left turn movements by trucks from the Subject Lands on to King Vaughan Road. If it is determined that these barriers cannot be located exclusively on the Subject Lands, the Owner will work with the applicable government authorities to ensure that any physical restrictions are installed to the satisfaction of same. Please find attached several photos that show a test installation of our client's proposal to install jersey barriers in order to fully prevent left turn movements by trucks.
3. In addition to the existing signage advising that exiting left turn movements by truck traffic are prohibited, the owner will install a video camera on the Subject Lands with clear unobstructed sight lines to the vehicular entrance to provide a photographic record of all trucks exiting the site, including the licence plate numbers of each exiting truck. The photographic records shall be stored in a

format acceptable to the City and provided to the City for review on a weekly basis, or such other basis as is acceptable to both the City and the Owner, to assist the City or other responsible authority in enforcing any turning restrictions applicable from the site on to King Vaughan Road

4. In terms of inbound and outbound truck movements on the Subject Lands:
 - a. Subject to i. below, all *outbound* trucks will only exit the property between the hours of 6 am – 7 pm, Monday – Friday, 6 am – noon on Saturdays, and none on Sundays.
 - i. Occasionally, the Owner will need outbound trucks to travel off the Subject Lands after 7 pm. This will only occur in the rare circumstance that a concrete pour has been interrupted for reasons beyond the Owner's control and must be completed. However, no inbound trucks will travel onto the Subject Lands after 7 pm.
 - b. All *inbound* trucks will only enter the property between the hours of 7 am – 7 pm, Monday – Friday, 7 am – noon on Saturdays, and none on Sundays.

For context, the *inbound* trucks to the Subject Lands are the source of additional noise impacts, and therefore our client is agreeable to limiting these movements in accordance with the City's Noise By-law.

5. Our client already abides by a robust dust management plan, as required by the Ministry of Environment, Conservation, and Parks (MECP). It would be happy to provide this material to the City to ensure that all stakeholders are made aware of our client's current protocols in place that mitigate or eliminate dust impacts. Likewise, the licence-holder conducting the concrete crushing operation also abides by a similar dust management plan in accordance with its approvals from MECP. We can request a copy of its plan, if desired.
6. The Owner is amenable to having the production cap of 100,000m³ included in the temporary use by-law as this is the current production limit permitted by the MECP approvals for the plant with which our client is currently abiding.
7. The client is amenable to the inclusion of a provision in the temporary use by-law providing that the outdoor back-up batching plant shall only be operated at times when the main indoor batching plant is not operating and that the two batching plants may not be operated at the same time.

We hope that the foregoing indicates our client's commitment to work with the City and the local community to ensure that its ongoing operation on the Subject Lands can

continue with minimal impacts. We also note that the installation of jersey barriers or some other form of physical restriction contemplated in #2, above, could eliminate the authorities' need to monitor exiting traffic at this location (including through a video camera system contemplated in #3, above). Accordingly, we are hopeful that this solution could alleviate or eliminate complaints relating to the Subject Lands advanced by neighbours.

Please do not hesitate to contact me should you have any questions or wish to discuss further.

Yours truly,
DAVIES HOWE LLP



Robert G. Miller

RGM:JC

copy: Haiqing Xu, City of Vaughan
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