

Committee of the Whole (2) Report

DATE: Tuesday, June 21, 2022

WARD(S): 1

TITLE: APPLICATION FOR BLOCK PLAN APPROVAL FILE
BL.34E.2014 – BLOCK 34 EAST LANDOWNERS GROUP INC.

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek Block Plan approval from the Committee of the Whole for lands within Block 34 East and subject to Block Plan Application File BL.34E.2014. The Block 34 East Block Plan was reviewed concurrently with the related Draft Plans of Subdivision and Zoning By-law Amendment applications for Fleur de Cap Developments Inc. and Cuenca Development Inc (files Z.20.032 and 19T-20V005) and Lorwood Holdings Incorporated (files Z.20.032 and 19T-20V005). Collectively all applications for the Subject Lands will inform and facilitate future development within Block 34 East.

Report Highlights

- The Block 34 East Landowners Group Inc. propose to implement the policies of the Highway 400 North Employment Lands Secondary Plan (OPA 637)
- The Policy Planning and Special Programs department in consultation with the Development Planning and Development Engineering departments supports the approval of the Block Plan application
- A summary of work completed through the Block 34 East Block Plan application
- Outline of current provincial, regional, and local policy and regulatory context
- Matters to be addressed through related Development Application processes

Recommendations

1. THAT the Block 34 East Block Plan, dated June 3, 2022 and forming Attachment #2 to this report, BE APPROVED, subject to any minor amendments required resulting from the fulfillment of conditions of draft plan approval;
2. THAT the Block 34 East Block Plan forming Attachment #2 to this report, as modified through the resolution of recommendation #1, be the basis of the implementing Zoning By-law Amendment, Draft Plan(s) of Subdivision and/or Site Development applications for the corresponding lands in Block 34 East;
3. THAT the technical submissions and supporting studies submitted as part of the Block 34 East Block Plan application be updated as required in response to changes resulting from any site-specific development applications;
4. THAT the Block 34 East Landowners Group Inc. be required to execute an agreement(s) with the City of Vaughan to facilitate the design and construction of infrastructure in support of providing services to the subject lands; and,
5. THAT matters of archaeological interest shall continue to be addressed by individual landowners through the development application processes in consultation with the City and affected Indigenous Communities.

Background

Block 34 East in its' entirety, is bounded by Kirby Road to the north, Teston Road to the south, Jane Street to the east and Highway 400 to the west, as shown on Attachment #1. Block 34 East has an area of approximately 193 hectares, described as Part of Lots 26 to 30, Concession 5, in the City of Vaughan.

The southern portion of Block 34 East is the subject of the Block 34 East Block Plan Application (File BL.34E.2014) (see Attachment #1). The Block 34 East Block Plan ("Subject Lands") area includes lands owned by both participating landowners who submitted the Block Plan application and are collectively known as the Block 34 East Landowners Group Inc. ("participating landowners" or "LOG") and landowners who are not part of the Block Plan application submission nor are they part of the LOG ("non-participating landowners") (see Attachment #2). The northern two properties municipally known as 11260 Jane Street and 11424 Jane Street are not part of the Subject Lands or approvals being sought through this application process. All landowners with the Block 34 East were notified of this meeting.

The initial Block Plan for Block 34 East Block Plan included: 11110 Jane Street, 11260 Jane Street, and 11424 Jane Street as non-participating landowners. As the Block 34

East Block Plan Application progressed the status of these properties and how they were referenced through the Block Plan Application review changed with the approval of Minister's Zoning Orders and development applications.

Block 34 East in its' entirety and the Subject Lands within Block 34 East are part of a larger area governed by the Highway 400 North Employment Lands Secondary Plan ("OPA #637"). This larger area also includes Blocks 34 West, 35 West and East, as well as the lands between Jane Street and Weston Road extending north of King-Vaughan Road to northern municipal boundary of Vaughan as shown on Attachment #1.

Existing land uses within the Subject Lands include agricultural uses as well as the ongoing construction of the Walmart Distribution Centre related to development applications files Z.19.007, 19T-19V002 and DA.19.072 for Fenmarcon Developments Inc. (formerly known as Conmar Developments Inc. & Fenlands Vaughan Inc.).

Surrounding land uses outside of the Subject Lands but within Block 34 include the TransCanada Pipeline which crosses Block 34 East in an east-west direction on lands to the north of the Subject Lands.

There are also several areas of heritage interests located throughout Block 34 East, the status of which is discussed later in this report.

The surrounding land uses are shown on Attachment #1.

The Block Plan Application process is a comprehensive planning process that is initiated by landowners within the Block Plan area

The Block Plan application process is not a statutory requirement of the *Planning Act*, R.S.O. 1990, c.P. 13 (the "Planning Act"). Consistency with the Provincial Policy Statement ("PPS") and other applicable provincial plans was established through the Highway 400 North Employment Lands Secondary Plan ("OPA #637" or the "Secondary Plan") and Secondary Plan study process. The proposed Block 34 East Block Plan application is being reviewed within this context. A brief summary of the current policy regime has been provided as part of this report.

The Secondary Plan amends OPA #450 and OPA #600. The Subject Lands are reliant on policies contained in OPA #450. Policy 3.4.2.b of OPA #450 states, "*Block Plans shall be required for greenfield development ... on the scale of the concession block or any such area that constitutes a logical planning unit.*" 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 was submitted by the Block 34 East LOG for lands in the southerly part of the Block. The original application submitted in 2016 indicated that the landowners participating in the Block Plan application process owned less than 50% of the lands within Block 34 East. The original group of participating landowners comprising the Block 34 East LOG. included: Fleur de Cap Development Inc.; Lorwood Holdings Incorporated; and Cuenca Development Inc. Through the course of the Block Plan application process the City was notified that Fenmarcon Developments Inc. had also joined the Block 34 East LOG. With the addition of the Fenmarcon Developments Inc. to the Block 34 East LOG, the LOG now owns approximately 58% of the total Block 34 East area. Of the approximate 193 hectares within Block 34 East, the participating landowners own about 111 hectares while the remaining approximate 82 hectares are owned by the non-participating landowners or are not part of the Block 34 East Block Plan Application area or the proposal currently before Council for approval. Table 1 provides a summary of Block 34 East based on land ownership, participation in the Block 34 East Block Plan Application process and land areas for information purposes related to the Subject Lands as well as Block 34 East as a whole.

Table 1: Land Ownership and Participation for Block 34 East

Ownership	Participating	Non-Participating	Not Part of Subject Lands	Area (Ha.)
Fleur De Cap Development Inc.	X			53.127
Lorwood Holding Inc.	X			6.400
Cuenca Development Inc.	X			12.664
Fenmarcon Developments Inc.	X			39.144
Frank D'agostino		X		0.198
The Trustee of the Maple Congregation of Jehovah's Witnesses.		X		0.816
Total Area of Subject Lands				112.35
Janeston Valley Development Ltd			X	40.817
1406979 Ontario Ltd.			X	39.731
Total Area Block 34 East				192.898

Policy 3.4.2.e.i. of OPA #450 provides direction for the block plan process, as follows:

“Where landowners within a Block Plan area choose not to seek development approval at the same time of the preparation of the Block Plan, the lands of the non-participating

owners shall be shown conceptually in the schedules to the plan. Amendments to the Block Plan may be required before such lands are considered for development.”

At the February 4, 2020 Committee of the Whole (Public Hearing) 1406979 Ontario Ltd. (11424 Jane Street), Janeston Valley Development Ltd. (11260 Jane Street), and Fenmarcon Developments Inc. (11110 Jane Street) were all identified as non-participating landowners.

In April of 2020, City of Vaughan Council approved development applications for Zoning By-law Amendment (file Z.19.007), Draft Plan of Subdivision (file 19T-19V002), and Site Development Application (file DA.19.072). At the time Fenmarcon Developments Inc. was a non-participating landowner. In subsequent submissions of Block Plan material for review Fenmarcon Developments Inc. was represented as a “Co-ordinating” landowner as through their development applications they were required to co-ordinate efforts with the Block 34 East Block Plan process. Subsequently, City staff were notified that Fenmarcon Developments Inc. had joined the Block 34 East LOG. Details of the Fenmarcon Developments Inc. development applications are discussed in later sections of this report.

In May of 2022, the province issued a Minister’s Zoning Order (“MZO”) for the entirety of lands known municipally as 11424 and 11260 Jane Street (see Attachment #1). In response to the MZO and the fact that 11424 and 11260 Jane Street were initially non-participating landowners with the Block 34 East Block Plan Application process and the Block Plan only provided a conceptual level of detail for these lands, the original Block 34 East Block Plan was revised to exclude these lands and not show them conceptually as part of Subject Lands.

As a result, the Subject Lands as shown on Attachment #2 has different boundary information and updated participation status for some of the landowners than what was presented during the February 2020 Committee of the Whole (Public Hearing).

As part of the Block Plan application process a review is undertaken of all material submitted by the Block 34 East LOG

The Block 34 East Block Plan application was received on April 12, 2016, and initially circulated to City departments and external agencies on May 20, 2016. A resubmission was provided on March 13, 2019 and circulated for comment on March 15, 2019. Subsequently, on June 9, 2020, and on May 31, 2021 resubmissions were made addressing comments provided through the internal departmental review and the review

of conducted by external agencies. The technical studies which were included as part of the circulation process and forming the basis of staff review are listed below:

- Comment Response Matrix (responses compiled from various consultants, May 2021)
- Block Plan and Individual Landowner Budget (KLM Planning Partners Inc., May 30, 2022)
- Transportation Mobility Plan – Block 34 East (Cozier Consulting Engineering, May 2021)
- Memo Regarding: Block 34 East Phase 1 – MTO Drainage (Schaeffers Consulting Engineers, December 10, 2020)
- Memo Regarding; TRCA Permit Status (Schaeffers Consulting Engineers, May 25, 2021)
- Letter from the Ministry of Natural Resources and Forestry Regarding: Wetland Classification (MNRF, December 8, 2020)
- Highway 400 North Employment Area Block 34 East (South) Block Plan Report and Addendum Letters (KLM Planning Partners Inc., February 2019, June 8, 2020 and May 12, 2022)
- Block 34 East Employment Lands Urban Design Guidelines (KLM Planning Partners Inc. & A. Baldassarra Architect Inc., June 2020)
- Stage 1-2 Archaeological Assessment (The Archaeologists Inc., June 11, 2008)
- Stage 3-4 Archaeological Assessment (This Land Archaeology Inc., March 11, 2008 – revised May 23, 2011) Ministry Acknowledgement of Entry into Register (dated January 23, 2019)
- Stage 1-2 Archaeological Assessment on Part of Lots 26, 27, Concession 5 (This Land Archaeology, February 8, 2021) and Ministry Acknowledgement of Entry into Register (dated March 16, 2021)
- Cultural Heritage resource Impact Assessment 10980 Jane Street, Maple, Ontario (ERA Architects Inc., August 26, 2014)

A major component of and deliverable through the Block Plan application process is the provisions of a Master Environmental Servicing Plan (MESP). Based on the governing policies for this area, the MESP shall be consistent with an ecosystem approach to planning, involving a rigorous analysis of the biophysical component of the natural system and the inter-relationships between them. A consolidated MESP was submitted,

- Block 34 East Master Environmental Servicing Report (compiled by Schaeffers Consulting Engineers March 2021)
 - i. Appendix A – Block Plan (KLM Planning Partners Inc., June 3, 2022)
 - ii. Appendix B – Natural Heritage Report (Savanta Inc., May 2021)

- iii. Appendix C – Geotechnical and Slope Stability Reports (Soil Engineers Ltd., various reports prepared on different dates)
- iv. Appendix D – Hydrogeology Reports (R.J. Burnside & Associates, various reports prepared on different dates)
- v. Appendix E – Stormwater Management Reports/Memos (Schaeffers Consulting Engineers, various reports/memos prepared on different dates)
- vi. Appendix F – Feature Based Water Balance Reports (Civica , various reports prepared on different dates)
- vii. Appendix G – Sanitary Servicing Strategy;
 - a. Block 34 East Phase 1 – Sanitary Servicing Strategy (Civica , April 8, 2021)
 - b. Sanitary Operation and Monitoring Plan for Block 34 East (Schaeffers Consulting Engineers, April 2021)
- viii. Appendix H – Water Supply Analysis (Schaeffers Consulting Engineers, March 25, 2021)
- ix. Appendix I – Fluvial Geomorphic Assessment (Matrix Solutions Inc. March 2021)
- x. Appendix J – Floodplain Analysis for the Block 34 East – Phase 1 (February 2021)
- xi. Appendix K – Functional Servicing and OTTSWMM Reports (Schaeffers Consulting Engineers, various reports prepared on different dates)

The requirement and initial scope of work for the reports and supporting technical studies listed above, including the MESP were established through the development of a Terms of Reference for studies to inform to the Block 34 East Block Plan Application. The final version of all studies to complete the Block Plan application review are deliverables required to deem the process complete.

A modified road network has been established through the current Block 34 East Block Plan

The proposed road network for Block 34 East deviates from the network shown in OPA #637. OPA #637 identified a north-south mid-block road, a ring-road, and 3 east-west roads spanning almost the entire depth of Block 34 East between Jane Street and Highway 400. Policy 2.3.3.1. d) iii) of OPA #450 (as amended) permits “...

Modifications, additions or deletions to the primary or collector road system identified on Schedules ... may occur at the Block Plan stage provided that the overall planning and transportation policies of this plan are maintained”.

The modified road network shown on Attachment #2, includes four (4) roads. The road network identifies a north-south collector road which extends from Teston Road to the northern limit of the Subject Lands. The other three roads include a Local Industrial Road (cul-de-sac) extending west from the north-south road and two roads situated further north which both extend eastward to intersect with Jane Street.

A conceptual local trail network ("local trail") has also been included for the Subject Lands. The local trail extends west from the north-south collector along Teston Road and turns north at the easterly limit of the lands set aside for the stormwater management pond. The local trail continues north and turns westward along the northern limits of the stormwater management pond area before switching back in an easterly direction along the southern boundary of the Natural Heritage System ("NHS"). The local trail then continues travelling easterly within the buffer of the NHS lands until it terminates at the intersection of the north-south and east-west collector roads.

Attachment #2 also shows the distribution of lands uses for the Subject Lands. As a general principle and consistent with the policies of OPA #637, the lands fronting onto arterial roads and Highway 400 are designated "Prestige Employment" as these locations offer high visual exposure. Also proposed "along Highway 400 are 2 stormwater management facilities. The lands interior to the Block Plan are generally designated "General Employment" as they do not require the same exposure as "Prestige Employment" and permit outside storage which the "Prestige Employment" designation does not.

Unique to OPA #637 is the introduction of a "Mixed Use Area Employment/Commercial" designation in the southeast quadrant of the Block. Consistent with OPA #637 the "Mixed Use Area Employment/Commercial" designation is bounded on each side by a road. To the east and south it is bounded by arterial roads Jane Street and Teston Road and internally it is also bounded by the east-west collector and the north-south collector. Due to the modifications to the road network the extent of this designation has been altered.

Opposite the "Mixed Use Area Employment/Commercial" is a Service Node located at the northwest corner of Teston Road and the north-south collector. The "Service Node" area is also bounded to the north by the cul-de-sac which extends westward from the north-south collector. Also depicted in the Block Plan is a swath of Natural Area extending from the western limit of the block towards Jane Street. South of the Natural Area and west of the north-south collector is the location of a future pumping station.

Development Statistics

The following statistics reflect land distribution based on land uses proposed through the Subject Lands including lands owned by both participating and non-participating landowners.

Table 2: Proposed Land Use Areas – Block 34 East Block Plan

Developable Land Uses	Area (ha)
Prestige Employment Area	19.066
General Employment Area	44.986
Mixed Use Area Commercial/Employment	15.209
Service Node	1.290
Pump Station	0.413
Stormwater Management	7.060
Roads (proposed and conceptual non-participating lands)	5.732
Widenings (does not include conceptual widenings for non-participating lands)	0.746
Total Developable Lands	94.502
Non-Developable Land Uses	Area (ha)
Retained Natural Heritage System	14.781
Compensation Area	3.066
Total Non-Developable Lands	17.847

Public Notice was provided in accordance with Council's Notification Protocol

On January 10, 2020, a Notice of Public Hearing for the Block 34 East Block Plan Application (file BL.34E.2014) was mailed to all property owners within 200 metres of the Block Plan boundary as well as to all property owners within the Block 34 East Block Plan area. Notice was also provided to the Mackenzie Ridge and Vellore Woods Ratepayers Associations. The Notice of Public Hearing was posted on the City's website at www.vaughan.ca.

A Committee of the Whole (Public Hearing) was held on February 4, 2020, to receive comments from the public and the Committee of the Whole. On February 11, 2020, Vaughan Council ratified the recommendation of Committee of the Whole to receive the Public Hearing report, communications, and deputations.

A Courtesy Notice dated June 7, 2022, for this Committee of the Whole meeting was provided by mail to those who had requested notification through the study process and all landowners within Block 34 East. The same information was also sent through an e-blast to those who provided their e-mail contact information.

Development applications were undertaken concurrently with the Block 34 East Block Plan Application process

Development Applications – (Fenmarcon Developments Inc.):

The lands subject to development application files Z.19.007, 19T-19V002 and DA.19.072 known municipally as 11110 Jane Street (Fenmarcon Developments Inc.), extend from Highway 400 to Jane Street, and are located mid-block in Block 34 East between Kirby Road to the north and Teston Road to the south (see Attachment #1). The applicant who joined the Block 34 East LOG, after the Block Plan Application was under review, submitted applications for Draft Plan of Subdivision and Zoning By-law Amendment on May 9, 2019, followed by an application for Site Development on October 23, 2019. The Draft Plan of Subdivision and Zoning By-law Amendment applications went to Committee of the Whole (Public Hearing) on June 4, 2019 and were subsequently approved by Council along with the Site Development Application on April 21, 2020 subject to the fulfillment of draft plan of subdivision and site development conditions of approval. The approval of the development applications will facilitate the zoning and phased development of a portion of this block. Site Development Application DA.19.072 is located on Block 1 of the Draft Plan of Subdivision 19T-19V002 and includes the construction of an employment building with a Gross Floor Area of 51,021m², with a proposed future 18,839m² building addition.

Development Applications – (Lorwood Holdings Incorporated):

The lands subject to development application files Z.20.033 and 19T-20V006 known municipally as 3180 Teston Road (Lorwood Holdings Incorporated) have a rectangular shaped property with frontage onto Teston Road (see Attachments #1 and #2). The applicant who is also part of the Block 34 East LOG, submitted a Draft Plan of Subdivision and Zoning By-law Amendment applications on November 10, 2020 to facilitate the creation of blocks for employment and service commercial uses, public roads, and for the existing Natural Heritage System. A Zoning By-law Amendment application was also submitted to provide appropriate zoning for the blocks created by the Draft Plan of Subdivision. The applications were heard at Committee of the Whole (Public Meeting) on January 19, 2021 and are moving forward concurrently with the Block 34 East Block Plan Application to the June 21, 2022 Committee of the Whole (2) meeting.

Development Applications – (Fleur de Cap Developments Inc. & Cuenca Developments Inc.):

The lands subject to development application files Z.20.032 and 19T-20V005) known municipally as 10980 Jane Street (Fleur de Cap Developments Inc.) and 10520 Jane Street (Cuenca Development Inc.) combined create an irregular shaped parcel bounded

by Teston Road to the south, Jane Street to the east, Highway 400 to the west and are adjacent to 11110 Jane Street to the north. The applicants are also part of the Block 34 East LOG, submitted a Draft Plan of Subdivision and Zoning By-law Amendment applications on November 10, 2020 to facilitate the creation of blocks for employment, service commercial, and mixed-use employment/commercial uses, public roads, stormwater management facilities, and for the existing Natural Heritage System. A Zoning By-law Amendment application was also submitted to provide appropriate zoning for the blocks created by the Draft Plan of Subdivision. The applications were heard at Committee of the Whole (Public Meeting) on January 19, 2021 and are moving forward concurrently with the Block 34 East Block Plan Application to the June 21, 2022 Committee of the Whole (2) meeting.

Previous Reports/Authority

The following is the link to the June 4, 2019, Committee of the Whole (Public Hearing) (Item 6, Report No.22) for applications Z.19.007 and 19T-19V002:

[Committee of the Whole \(Public Hearing\) - June 04, 2019 \(escribemeetings.com\)](#)

The following is the link to the February 4, 2020, Committee of the whole (Public Hearing) (Item 5, Report No.6) for the application BL.34E.2014:

[Committee of the Whole \(Public Hearing\) - February 04, 2020 \(escribemeetings.com\)](#)

The following is a link to the April 21, 2020, Committee of the Whole (2) (Item 1, Report 17) for applications Z.19.007, 19T-19V002 and DA.19.072:

[Committee of the Whole \(2\) - April 21, 2020 \(escribemeetings.com\)](#)

The following are links to the January 19, 2021, Committee of the Whole (Public Meeting) (Item 1, Report No.2 and Item 1, Report No.3)

[Committee of the Whole \(Public Meeting\) - January 19, 2021 \(escribemeetings.com\)](#)

Analysis and Options

Consistency with the Provincial plans was established through the Highway 400 North Employment Lands Secondary Plan

Provincial Policy Statement, 2020 ("PPS")

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with 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 subject lands are located within a settlement area where growth is intended to be focused, will add to the current mix of uses in the area and will make efficient use of land and existing and planned infrastructure. Employment Areas are defined by the PPS as “those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities”. The subject lands will provide a mix and range of employment uses that will contribute to a diversified economic base in Vaughan.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (“A Place to Grow”)

A Place to Grow which came into effect on May 16, 2019, identifies that any lands within delineated built-up areas remain subject to the relevant municipal land use planning policies. A Place to Grow is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form, and housing. A Place to Grow provides a framework for managing growth in the Greater Golden Horseshoe including directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

The subject lands are located within a settlement area and a delineated built-up area abutting a 400 series highway and provide employment opportunities supportive of the Growth Plan objectives.

The Block 34 East Block Plan has been developed in consideration of the regional and local policy context

York Region Official Plan 2021 (“YROP”)

The York Region Official Plan 2010 (YROP) designates the subject lands as “Urban Area” (Map 1). Figure 2 the “York Region Strategic Employment Lands” of the YROP identifies the subject lands as part of the “Strategic Employment Lands - Conceptual.”

Policy 4.3.6 of the YROP states, “To protect strategic employment lands including lands identified in Figure 2. These lands are identified based on their proximity to existing or planned 400-series highways and shall be designated for employment land uses in local municipal official plans.” The YROP also includes Policy 4.3.11 containing provisions for ancillary uses on employment lands, “To allow a limited amount of *ancillary uses* on employment lands, provided that the proposed uses are intended to primarily service business in the employment lands and that *ancillary uses* collectively do not exceed 15

per cent of an employment area as defined in the local official plan.” Ancillary uses are defined as “Small scale retail and commercial uses that primarily serve the business functions on employment lands.”

The Subject Lands propose one service node with an area of approximately 1.2 ha north of Teston Road. The proposed service node does not exceed the maximum 15% as defined in OPA #637.

Vaughan Official Plan 2010 (“VOP 2010”)

Vaughan Official Plan 2010 (“VOP 2010”) is not the governing document respecting Block 34 East. However, the following details have been provided in VOP 2010 respecting the Subject Lands:

- a. Schedule 1 “Urban Structure” of VOP 2010 designates the subject lands “Employment Areas” and “Natural Areas and Countryside”.
- b. Schedule 13 “Land Use” recognizes the lands as “Lands Subject to Secondary Plans” and “Natural Areas”.
- c. Schedule 14-A “Areas Subject to Secondary Plans”, of VOP 2010 identifies the subject lands as one of the Secondary Plan Areas, being the “Highway 400 North Employment Lands – 11.4” (OPA #637).

Employment Area Growth and Management Plan (“OPA #450”) as amended by Highway 400 North Employment Lands Secondary Plan (“OPA #637”)

The Highway 400 North Employment Lands Secondary Plan OPA #637 is structured as an amendment to OPA #450 “Employment Area Growth and Management Plan” and OPA #600 and relies on the underlying policies contained in both OPAs #450 and #600. For the purpose of the Block 34 East Block Plan application only the policies related to OPA #450 are applicable.

OPA #637 was approved by the Ontario Municipal Board on November 21, 2011. Schedules “C” and “I” of OPA #637 identify land use designations and areas set aside for further study which are applicable to all the lands in Block 34 East. A detailed description of each land use designation and land use overlay is provided in Attachment 3 to this report.

Only the land use designations listed below are applicable to the Subject Lands.

“Prestige Areas”, “General Employment Area”, “Mixed Use Area – Employment /Commercial”, “Potential Valley and Stream Corridor”, “Significant Enhanced Landscape Area”, “Significant Interface Area (SIA)” and “Stormwater Management Facility”.

Zoning and Minister Zoning Orders (“MZO”)

Two Minister Zoning Orders (“MZO”) have been issued for the lands within Block 34 East:

- Minister Zoning Order, O. Reg. 173/20: On April 24, 2020, the Minister of Municipal Affairs and Housing filed a Minister’s Zoning Order with the Registrar of Regulations as Ontario Regulation 173/20 (“O. Reg.173/20”).

O. Reg. 173/20 specifically referenced two areas within Block 34 East, however the impacts span over 3 of the properties known municipally as 11110 Jane Street (Fenmarcon Developments Inc.), 10520 Jane Street (Cuenca Development Inc.) and 3180 Teston Road (Lorwood Holdings Incorporated). All of which are properties included in the Block 34 East Block Plan Application process and owned by participating landowners.

O. Reg.173/20 permits a distribution facility and other uses of lands but prohibits *“Every use of land and every erection, location or use of any building or structure... except for the following uses: 1. A distribution facility. 2. Outside Storage. 3. Uses described in Section 6.3.1, General Employment Area (EM2) Zone of the Zoning By-law” on lands identified as “Area 1”*. Area 1 is located on 11110 Jane Street (see Attachment 5).

With respect to Area 2, O. Reg.173/20 provides, *“every use of land and every erection, location or use of any building or structure is prohibited on those lands identified as “Area 2” on the map described in section, except for the uses described in Section 6.2.1 Prestige Employment Area (EM1) Zone of the Zoning By-law.”* Area 2 is located on 10520 Jane Street and 3180 Teston Road.

Subsequently in 2022 O. Reg.173/20 was amended by Ontario Regulation 456/22 (“O. Reg. 456/22”) which introduced Area 3 as shown on Attachment 5 and permitted uses for Area 3. Area 3 located on 11110 Jane Street had previously been zoned C7 Service Commercial Zone and was shown in the Block 34 East Block Plan as a “Service Node”. The amending MZO O. Reg. 456/22 states *“Every use of land and every erection, location or use of a building or structure is prohibited on those lands identified as “Area 3” ... except for the following uses: 1. A distribution facility. 2. An office. 3. Outside storage.”*

- Minister Zoning Order, O. Reg. 156/22: On March 4, 2022 the Minister of Municipal Affairs and Housing filed a Minister's Zoning Order (MZO) with the Registrar of Regulations, under the Planning Act as Ontario Regulation 156/22 ("O. Reg.156/22").

O. Reg.156/22 applies to lands 11260 and 11424 Jane Street which are not part of the Subject Lands, but within Block 34 East. This MZO deems the two properties "to be a single lot" and prohibits every use and every erection, location or use of a building or structure except for the following,

- "1. A storage and distribution facility use that is defined as a building or part of a building used primarily for the storage and distribution of goods and materials.*
- 2. An outdoor storage area use that is defined as an outdoor area used for parking, placing, storing and maintaining commercial motor vehicles, heavy commercial and intermodal containers and that is,*
- i. incidental to, subordinate to or exclusively devotes to the storage and distribution facility, and*
 - ii. on the same lot as the storage and distribution facility."*

O. Reg.156/22 also establishes the permitted uses to be "*The uses permitted under section 6.2 (EM1) – Prestige Employment Area Zone of the zoning by-law*". Furthermore, the MZO provides for minimum setback from a building or structure to the provincial highway of 14 metres and includes provisions respecting the lands zoned OS5 – Open Space Environmental Protection Zone.

Matters to be addressed through the related Draft Plan of Subdivision and Zoning By-law Amendment applications

Heritage Interests and Duty to Consult: The heritage interests located within Block 34 East include two Listed properties and identified archaeological sites located across from the Hamlet of Teston. Only the sites and properties owned by participating landowners within the Subject Lands have been considered to-date through this Block Plan application review and/or the individual Draft Plans of Subdivision and Zoning By-law Amendments lead by the Development Planning department.

In the case of the Fenmarcon Developments Inc. who joined the Block 34 East LOG after the Block Plan application was submitted, a review of heritage matters would have been undertaken through the Draft Plan of Subdivision and Zoning By-law Amendment applications (files 19T-19V002 and Z.19.007 respectively). Both the zoning and draft

plan of subdivision along with the Site Development Application for Fenmarcon Developments Inc. were considered by Council in April of 2020.

Matters related to cultural heritage have been addressed for the participating landowners' properties through the various draft plan of subdivision applications and inclusion of conditions of Draft Plan of Subdivision approval.

City Staff have engaged the Indigenous Communities with an interest in development applications (Fleur de Cap Development Inc. and Cuenca Development Inc. 19T-20V005 and Z.20.032) within the Block. Engagement with the Mississaugas of the Credit First Nation and Huron-Wendat Nation is ongoing on archaeological matters.

The need for future engagement related to the remaining lands within Block 34 East will be determined as development applications come forward.

Transportation: As mentioned in this report, the Block 34 East internal road network was modified from that shown in the Secondary Plan. City of Vaughan's Development Engineering Department, York Region, and the Ministry of Transportation (MTO) – Corridor Management Team have all provided comments on the Block 34 East Block Plan Application including the Transportation Mobility Plan prepared by Crozier Consulting Engineers dated May 2021.

Through the review it was determined that ongoing work could be addressed through the Draft Plan of Subdivision (files 19T-20V005 and 19T-20V006) with conditions of approval. A block plan level of study is required as part of the Draft Plan of Subdivision conditions of approval to finalize the transportation network improvements in accordance with the City and Ministry of Transportation Ontario (MTO) conditions.

The Draft Plan will include a 0.3 m reserve that terminates at dead ends and 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, York Region, and the Ministry of Transportation of Ontario (MTO).

Water and Sanitary Servicing has been considered in the context of the York Region Environmental Assessment

York Region completed the York Region Northeast Vaughan Water & Wastewater Servicing Class Environmental Assessment ("EA") to establish a preferred strategy in providing the necessary new water and wastewater infrastructure to service the

anticipated growth of northeast Vaughan to the year 2051. The project is currently at the detailed design stage.

Water Supply: Block 34 East is situated within two separate Pressure Districts (“PD”) of the York Region Water Supply System being PD7 and PD8.

Through the EA process the Region identified a future PD8 pumping station to be located on the Subject Lands, as shown on Attachment #2. The implementation of the pumping station is to be detailed through a separate development application process.

The Water Supply Servicing Update, prepared by Schaeffers Consulting Engineers, dated March 25, 2021 provides a servicing scheme for Phase 1 being the Subject Lands. the southern area of Block 34 East is proposed to be serviced by two connections to PD7 watermains located on Teston Road west of Jane Street. The northern area of Block 34 East will be serviced by the future PD8 infrastructure proposed on Jane Street and Kirby Road, to be constructed by the Region of York and the City in 2028.

The Water Supply Analysis Report concluded that the southern half of Block 34 East recognized as Phase 1 in the report can be adequately serviced under all demand scenarios. A local pumping station in addition to the PD8 pumping station will not be required despite the ground elevations being above the design service range of PD7.

Sanitary Servicing: Block 34 East in its entirety including the Subject Lands is a tributary to the Maple Collector Sewer in the York-Durham Sewage System (YDSS) and is not bound by any existing infrastructure.

The Region’s EA identifies a Regional Sanitary Sewer (RSS) to commence at the intersection of Jane Street and Teston Road and extend southward connecting to the existing YDSS sewer at Jane Street and Rutherford Road. The RSS is to service the future developments north of Teston Road including the Block 34 East area and is expected to be operational by 2028.

The Block 34 East Phase 1 – Sanitary Servicing Strategy prepared by Civica, dated April 2021, contemplates the interim external sanitary servicing strategy for the Subject Lands. The proposed servicing strategy for the subject lands is temporary and intended to mitigate the capacity issues that would be experienced downstream if flows were released uncontrolled. The ultimate (for all of Block 34 East) external sanitary servicing would also require the completion of the Teston Road Sub Trunk Sanitary Sewer and Sanitary Pumping Station.

The City has received a number of proposals to handle sanitary flow in advance of the ultimate RSS strategy. In order to ensure a holistic approach to manage the various sanitary strategies proposed for developable lands the City undertook and completed an Interim Servicing Strategy Study (ISS). The ISS focused on wastewater collection systems serving the City's new community areas and employment lands in advance of York Region's anticipated infrastructure delivery of 2028.

Block 34 East including the Subject Lands is within the study area of ISS. The interim sanitary solutions recommended in the Block 34 East Phase 1 Sanitary Servicing Strategy conforms to the conclusions and recommendation of the ISS Study.

Stormwater Management was reviewed in consideration of the City's Stormwater Management Master Plan

The City's Stormwater Management Master Plan was completed in 2014 and identifies the stormwater design criteria for the whole of Block 34 East, including the quantity control, quality control and water balance requirements.

The Stormwater Management Strategy Update prepared by Schaeffers Consulting Engineers, dated March 29, 2021, focuses on the southern part of Block 34 East (Phase 1) being the subject lands. The report assumes that the future peak flow rates from the external north and west areas will be less than or equal to existing condition flows. The stormwater management plan for the Subject Lands proposes the establishment of two stormwater management facilities (ponds) located on the north and south side of the southerly valley respectively and east of Highway 400. The ponds are proposed to control the urban stormwater runoff to the target release rates established for the Humber Creek Watershed. These facilities will also provide water quality treatment and erosion control, and water quantity controls.

A portion of the 11110 Jane Street is proposed to drain to the west to feed the proposed headwater drainage feature compensation area.

The ultimate (for Block 34 East) solution should be considered for the appropriate storm drainage tributary area aligned with the in effect Official Plan policies.

Agreement(s) between the Block 34 East LOG and the City to facilitate the financing, design and construction of infrastructure are required

Municipal Servicing: The Block 34 East LOG is required to proceed to Draft Plan of Subdivisions and enter into Subdivision Agreements with the City to satisfy all financial matters or otherwise for the construction of municipal services for the subject lands. This includes but not limited to, roads, water, wastewater, storm and storm water management pond(s), land conveyances. This could include front-ending the works and entering into an agreement with the City to satisfy all conditions, financial or otherwise for the construction of the necessary municipal services, including but not limited to roads, water, wastewater, storm and storm water management ponds, land conveyances, or alternative arrangements shall be made to the satisfaction of the City.

Financial Impact

There are no funding impacts associated with this report.

Broader Regional Impacts/Considerations

York Region has participated in the review of the Block 34 East Block Plan application and has no objection to the approval subject to the fulfillment of the conditions of draft plan approval for files 19T-20V005 and 19T-20V006.

Conclusion

The Policy Planning and Special Programs department has reviewed Block Plan Application BL.34E.2014 in consideration of the applicable guiding Provincial, Regional and City of Vaughan policy context and conformity to the Highway 400 North Employment Lands Secondary Plan, as well as the comments received from City departments, external agencies, and the surrounding area context.

With development applications for Fenmarcon Developments Inc. moving forward with in advance of the Block Plan approval, and development applications for the lands on participating landowners properties being processed concurrently with the Block Plan application process it was determined that much of the work could be done concurrently with the review of the already submitted Draft Plans of Subdivision and Zoning By-law Amendment applications and when appropriate requirements to satisfy the various comments could be made conditions of draft plan approval.

On this basis, the Policy Planning and Special Programs department, in consultation with the Development Planning and Development Engineering departments, supports the approval of the Block Plan Application BL.34E.2014, subject to the fulfillment of the conditions through the development application review process.

For more information, please contact: Arminé Hassakourians, Program Manager, Yonge Steeles at extension 8368.

Attachments

1. Location Map
2. Block 34 East Block Plan
3. Land Use Designations Table
4. Schedule I – OPA #637
5. Map 306 for O. Reg. 456/22
6. Map 252 for O. Reg. 156/22

Prepared by

Arminé Hassakourians, Program Manager, Yonge Steeles, ext. 8368
Christina Bruce, Director of Policy Planning and Special Programs, ext. 8231

Approved by

A handwritten signature in cursive script, appearing to read 'Haiqing'.

Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by

A handwritten signature in cursive script, appearing to read 'Nick Spensieri'.

Nick Spensieri, City Manager