

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 19, 2018

Item 38, Report No. 21, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 19, 2018.

38 ZONING BY-LAW AMENDMENT FILE Z.17.043 OMERS REALTY CORPORATION VICINITY OF REGIONAL ROAD 7 AND REGIONAL ROAD 27

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management, dated June 5, 2018:

Recommendations

1. THAT Zoning By-law Amendment File Z.17.043 (OMERS Realty Corporation) BE APPROVED, to amend Zoning By-law 1-88 to permit and define “Adhesive Manufacturing” and “Powder Manufacturing” uses within Unit “A” of the existing employment building, as shown on Attachment #3, and to reduce the required parking supply, in order to manufacture the bonding agents within the existing building, used for the installation of ceramic tile and stone, together with the site-specific zoning exceptions identified in Table 1 of this report.

Item:



Committee of the Whole Report

DATE: Tuesday, June 05, 2018

WARD: 2

**TITLE: ZONING BY-LAW AMENDMENT FILE Z.17.043
OMERS REALTY CORPORATION
VICINITY OF REGIONAL ROAD 7 AND REGIONAL ROAD 27**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.17.043 for the Subject Lands shown on Attachments #1 and #2, to amend Zoning By-law Amendment 1-88 to permit and define “Adhesive Manufacturing” and “Powder Manufacturing”, to facilitate the production of bonding agents, and to reduce the required parking supply, in association with the existing building shown on Attachment #3.

Report Highlights

- The Owner seeks approval from the Committee of the Whole to permit and define “Adhesive Manufacturing” and “Powder Manufacturing” to permit the production of adhesive and powder products within the existing employment building, used for the installation of ceramic tile and stone. In addition, an amendment to Zoning By-law 1-88 is required to remove 34 parking spaces on the Subject Lands.
- The Development Planning Department supports the approval of the Zoning By-law Amendment Application as it conforms to the Official Plan and the proposed uses are compatible with the existing and planned land uses in the surrounding area.
- A Site Development Application has also been submitted to facilitate the installation of nine (9) silos and two (2) dust collectors, and an additional loading space on the Subject Lands. The Site Development application will be approved by the Development Planning Department as it meets the criteria for Delegated Approval by Site Plan Control By-law 123-2013.

Recommendations

1. THAT Zoning By-law Amendment File Z.17.043 (OMERS Realty Corporation) BE APPROVED, to amend Zoning By-law 1-88 to permit and define “Adhesive Manufacturing” and “Powder Manufacturing” uses within Unit “A” of the existing employment building, as shown on Attachment #3, and to reduce the required parking supply, in order to manufacture the bonding agents within the existing building, used for the installation of ceramic tile and stone, together with the site-specific zoning exceptions identified in Table 1 of this report.

Background

The Subject Lands (the “Subject Lands”) are 3.57 ha in area, and are located southwest of the intersection of Regional Road 7 and Regional Road 27, and are municipally known as 111 Royal Group Crescent, as shown on Attachments #1 and #2. The surrounding land uses are shown on Attachment #2.

The existing employment building on the Subject Lands, as shown on Attachment #3, is currently used for industrial/manufacturing and ancillary office purposes, and is comprised of two separate units of 8,544 m² (Unit “A”) and 14,310 m² (Unit “B”), and 417 m² of common area shared between the two units, with a total gross floor area (“GFA”) of 23,271 m².

The Owner has submitted a Zoning By-law Amendment application to permit the proposed uses and reduce the required parking on the Subject Lands

The Owner has submitted Zoning By-law Amendment Application File Z.17.043 (the “Application”) to permit and define “Adhesive Manufacturing” (Glue Manufacturing) and “Powder Manufacturing” (Mixing Plant) uses within the existing employment building (the “Application”), in order to manufacture the bonding agents used for the installation of ceramic tile and stone. The Owner is also requesting an exception to Zoning By-law 1-88 to permit 314 parking spaces on the Subject Lands, whereas the Zoning By-law, as amended, requires that a minimum of 348 parking spaces be provided.

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

On April 13, 2018, a Notice of Public Hearing was circulated to all property owners within 150 m of the Subject Lands, as shown on Attachment #2, and to the West Woodbridge Homeowners’ Association. A copy of the Notice of Public Hearing was also posted on the City’s website at www.vaughan.ca and a Notice Sign was installed on the Royal Group Crescent street frontage, in accordance with the City’s Notice Signs Procedures and Protocols.

A Committee of the Whole (Public Hearing) was held on May 8, 2018, to receive comments from the public and Committee of the Whole. The recommendation of the Committee of the Whole to receive the Public Hearing report of May 8, 2018, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Vaughan Council on May 23, 2018.

At the Public Hearing, Mr. Paul Johnston from Johnston Litavski Planning Consultants, Carlton Street, Toronto, made a deputation on behalf of the Owner. At the Public Hearing Council also inquired about the reason the proposed employment uses requires an Environmental Compliance Approval (“ECA”) from the Ministry of Environment and Climate Change (“MOECC”). The Development Planning Department advises that the ECA approval process provides assurance to municipalities and the general public that the appropriate environmental protection measures are in place for industrial uses and manufacturing processes, and that any future changes in operating equipment or processes on the Subject Lands will be subject to appropriate review and regulation by the MOECC. The ECA ensures that the emissions, including noise, generated by the Flextile facility operates in a manner that does not negatively impact human health or the environment. Other comments are provided in the relevant sections throughout the report.

Previous Reports/Authority

[May 8, 2018, Committee of the Whole \(Public Hearing\) \(Item 2, Report No. 19, Recommendations 1 and 2\)](#)

Analysis and Options

Land Use Policies and Planning Considerations

The Development Planning Department has reviewed the Proposal for the Subject Lands in consideration of the following policies:

The Application is consistent with the Provincial Policy Statement, 2014 (the “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 PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. The *Planning Act* requires that Vaughan Council's

planning decisions be consistent with the PPS. The Development Planning Department has reviewed the Application in consideration of the policies of the PPS and is of the opinion that the Application is consistent with provincial policies, specifically:

- Section 1.1.1 - to accommodate an appropriate range of residential, employment, institutional, recreation, park and open space uses;
- Section 1.3.2.1 - Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs; and
- Section 4.7 - the official plan is the most important vehicle for implementation of the PPS. Comprehensive, integrated and long-term planning is best achieved through official plans.

The Application provides for additional employment uses within an existing employment building and area that would add to the mix and range of employment uses. The Application to permit adhesive and powder manufacturing, conforms with the “General Employment” land use designation in VOP 2010. On this basis, the Application is consistent with the PPS.

The Application conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (the “Growth Plan”)

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 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. Council’s planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The Application is consistent with the policy framework of the Growth Plan as the proposed uses would make more efficient use of existing employment areas and vacant and underutilized employment lands, and increase employment densities, well as integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment, in accordance with the objectives of Section 2.2.5.1 of the Growth Plan, specifically:

- Section 2.2.5.5 – contributing to meeting the minimum density target for all employment areas, measured in jobs per hectare, that reflects the current and anticipated type and scale of employment that characterizes the employment areas and aligns with policy 2.2.5.1.

The Application provides for additional employment uses within an existing employment area, which contributes to the local economy. Accordingly, the Application conforms to the Growth Plan.

The Application conforms to the York Region Official Plan, 2010 (“YROP”)

The York Region Official Plan 2010 (the “YROP”) guides economic, environmental and community building decisions across York Region. The Subject Lands are designated “Urban Area” on Map 1, “Regional Structure” of the YROP. Section 4.3 of the YROP states that, “York Region is committed to maintaining and enhancing the long term viability of employment lands”, specifically:

- Section 4.3.3 - to recognize that employment lands are strategic and vital to the Regional economy and are major drivers of economic activity in the Region;
- Section 4.3.4 - to require local municipalities to designate and protect employment lands in local municipal official plans; and
- Section 4.3.5 - to protect, maintain and enhance the long term viability of all employment lands designated in local municipal official plans for employment land uses.

The Application is facilitating the introduction of a new employment use within an existing employment building, which contributes to the long-term viability of a major existing employment area in Vaughan. The Application conforms to the YROP.

The Application conforms to Vaughan Official Plan 2010 (“VOP 2010”)

The Subject Lands are identified as “Employment Areas” within the Urban Structure of VOP 2010, and are designated “General Employment” by VOP 2010. This designation permits a full range of industrial uses including manufacturing, warehousing, transportation, distribution, any of which may or may not include outdoor storage.

Section 5.2.1.2 of VOP 2010 states that it is the policy of Council, “To protect Vaughan’s manufacturing, industrial and warehousing sectors from potential impacts, any development or redevelopment of lands for more sensitive land uses located within 500 metres of an Employment Area, will be required to undertake appropriate environmental studies (e.g. noise, dust vibration, etc.), to be identified on a case by case basis in order to ensure land use compatibility with the surrounding Employment Area lands. As a result of the studies, on-site or off-site mitigation measures may be required prior to development at the expense of the Owner for the more sensitive land use”.

Sensitive land uses are defined by VOP 2010 as, “Buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities”.

Section 9.2.2.10.c of VOP 2010 states that, “The operation of any use must not result in a nuisance or have an adverse effect on neighbouring uses by virtue of the emission or discharge of noise, vibration, particulate, odour or other irritants”.

The proposed uses are not considered obnoxious and will not result in a nuisance or have an adverse effect on neighbouring uses

The manufacturing processes involved for the proposed uses do not produce the odour, vibration, or noise that would classify either process as an obnoxious use as defined by Zoning By-law 1-88, and will not result in a nuisance or have an adverse effect on neighbouring uses, in accordance with the policies of VOP 2010.

Flextile describes their “Adhesive Manufacturing” process as follows:

All adhesives manufactured by Flextile are water-latex based and either low-VOC (Volatile Organic Compound) or VOC free.

The manufacturing process encompasses mixing limestone, water, latex, fillers, additives and preservatives to produce finished products used in the installation of ceramic tile. These products are packaged in pails (4L to 20L) or jugs (4L to 8L), palletized, warehoused and shipped off-site for sale.

Bulk limestone is stored in an external silo and is transferred to an internal mixer by a conveyor. Latex is stored in an internal storage tank or container and is pumped to the mixer via pipe systems and water added directly from the supply mains. The remaining minor ingredients are manually weighed and added to the mixer.

Bulk latex tanks, latex in containers and minor ingredients in drums or bags are stored indoors. All weighing, mixing, packaging and palletizing also occur indoors.

Any dust created while adding limestone to the mixing process is controlled by a dust collection system. Any odours generated are minor and removed by the same collection system. The dust collector is located along the outside wall. The limestone silo has a dedicated bin vent to prevent dust escaping into the air.

Flextile describes their “Powder Manufacturing” process as follows:

The powder manufacturing process involves mixing white or grey cement, regular or white sand or limestone, along with fillers, various additives, powdered polymers and pigments to produce a grout used in the installation of ceramic tile and stone. These products are packaged in 4.5 kg pouches or 11.3 kg and 22.7 kg paper bags, palletized, warehoused and shipped off-site for sale.

The sands, cements and limestone are stored in bulk within external silos and transferred individually by conveyors to, and also weighed by, an automatic scale hopper located indoors. Additives are stored in bulk bags that hang on a specialized handling system that automatically weigh and pneumatically transfer ingredients to a receiving hopper above the mixer.

When the scale hopper finishes weighing the major ingredients, they are transferred to the receiving hopper, both are discharged by gravity into the mixer and the weighing process repeats. After mixing, the mixer discharges by gravity into a hopper located above a bagging machine. The weighing, mixing and discharge processes are for the most part automatic.

All weighing, mixing, packaging and palletizing processes occur indoors. Any dust created during these processes is controlled and collected by a dust system. Smaller dust collector units are stored indoor and the main unit is located outside. Each silo has a dedicated bin vent to prevent dust escaping into the air.

The proposed adhesive and powder manufacturing uses are proposed in an existing employment area and considered to be a manufacturing use that will not result in a nuisance or have an adverse effect on neighbouring uses. The ECA ensures that the emissions, including noise, generated by the Flextile facility operates in a manner that does not negatively impact human health or the environment. As such, the proposed uses conform to VOP 2010.

The Adhesive and Powder Manufacturing currently operates in another facility and operates in compliance with the Ministry of the Environment and Climate Change Requirements and Regulations

Flextile currently operates a facility in the City of Toronto (“Flextile-Toronto”), and wishes to relocate their business to the Subject Lands.

The Flextile-Toronto facility is operating in compliance with the MOECC requirements and regulations. A copy of the most recent ECA was issued by the MOECC on November 17, 2014, and submitted by the Owner to the Development Planning Department.

Manufacturing processes and equipment in Ontario are subject to the MOECC jurisdiction and regulated through (i) environmental sector activity registration (“ESAR Registration”), or (ii) an ECA approval in accordance with the provisions of the *Environmental Protection Act*. Regulation of industrial processes and equipment through the ESAR and ECA processes provide confidence that these activities are being undertaken in a manner that manages the risk of adverse effects to human health and the environment, and is an integral part of Ontario’s land use planning process to

avoid and manage potential conflict. There are a number of ECAs approved for facilities in Vaughan that range from simple EASR approvals for back-up generators and heating systems, to more complex ECA approvals for matters such as industrial sewage works or manufacturing processes that generate noise or other air emissions. Within the employment area where the Subject Lands are located, there are currently 16 active ECA approvals for existing manufacturing operations and equipment.

Industrial facilities with complex or unique types of operations, such as the proposed manufacturing uses, must apply for an ECA. Flextile is legally obligated to meet the specific conditions set out in the ECA. Flextile may also be inspected by an Environmental Officer to ensure these conditions are met.

Section 2.3 of the ECA confirms that the submitted ECA is valid for ten years from the issue date, as per MOECC regulations. Additionally, the ECA only requires amendment if a change in use/product has occurred. There have been no such changes since 2014. However, Flextile will be required to secure a new ECA for the Subject Lands, should the Application be approved by Council, and the implementing site-specific Zoning By-law passed.

Flextile currently retains a consultant to review its operations in order to submit a written summary to the MOECC annually.

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

The Subject Lands are zoned EM1 Prestige Employment Zone, subject to site-specific Exception 9(1013), by Zoning By-law 1-88, which does not permit adhesive and powder manufacturing.

Section 3.24 – Prohibited uses of Zoning By-law 1-88, does not permit “Glue Manufacturing” and “Mixing Plant” in any zone category in the City. The proposed “Adhesive Manufacturing” and “Powder Manufacturing” uses fall within the definition criteria of “Glue Manufacturing” and “Mixing Plant”, respectively, of Zoning By-law 1-88. Amendments to Zoning By-law 1-88 are required to permit and specifically define “Adhesive Manufacturing” and “Powder Manufacturing” uses as identified in Table 1 below:

Table 1

	Zoning By-law 1-88 Standards	EM1 Prestige Employment Area Zone, Exception 9(1013) Requirements	Proposed Exceptions to the EM1 Prestige Employment Area Zone, Exception 9(1013) Requirements
a.	Permitted Uses	Glue Manufacturing (adhesive manufacturing) and Mixing Plant (powder manufacturing) are listed as prohibited uses under Subsection 3.24 - Prohibited Uses	Permit Glue Manufacturing (adhesive manufacturing) and a Mixing Plant (powder manufacturing)
b.	Definitions of "Adhesive Manufacturing" and "Powder Manufacturing"	The proposed adhesive and powder manufacturing uses fall within the definition criteria of Glue Manufacturing and a Mixing Plant, respectively, of Zoning By-law 1-88, but are not specifically defined by Zoning By-law 1-88.	Adhesive Manufacturing - means the process of mixing limestone, water, latex, fillers, additives and preservatives to produce various finished adhesive products. Powder Manufacturing - means the process of mixing white or grey cement, regular or white sand or limestone, fillers, various additives, powdered polymers and pigments to produce grout products.
c.	Minimum Number of Parking Spaces	348 (Minor Variance A446/06)	314

The Development Planning Department has reviewed and supports the proposed site-specific zoning exceptions for the following reasons:

a) Proposed Uses and Definitions

The proposed adhesive and powder manufacturing uses fall within the definition criteria of Glue Manufacturing and a Mixing Plant, respectively, of Zoning By-law 1-88. Section 3.24 - Prohibited Uses of Zoning By-law 1-88, does not permit

“Glue Manufacturing” and “Mixing Plants” in any Zone category in the City. Although the proposed adhesive and powder manufacturing uses fall within the definition criteria of Glue Manufacturing and a Mixing Plant, these uses are not specifically defined by Zoning By-law 1-88, and therefore an amendment to Zoning By-law 1-88 is required to include specific definitions for these uses.

The proposed uses will occur within an existing employment building, adjacent to other existing employment buildings which accommodate a variety of manufacturing and warehousing uses. The Development Planning Department is satisfied that the manufacturing processes involved for the proposed uses do not produce significant odour, vibration, or noise that would classify either process as an obnoxious use as defined by Zoning By-law 1-88, and can therefore be supported.

b) Number of Parking Spaces

The total number of parking spaces proposed on the Subject Lands is less than 10% of the total number of parking spaces required by Zoning By-law 1-88. The Transportation Planning Section of the Development Engineering Department is satisfied that the proposed number of parking spaces is sufficient and does not warrant the submission of a Parking Justification Report.

In consideration of the above, the Development Planning Department is satisfied that the proposed amendments to Zoning By-law 1-88 will facilitate employment uses that conform with the Official Plan and are compatible with the existing and planned uses in the surrounding area.

Approval of the Site Development Application has been delegated to the Development Planning Department

The existing employment building on the Subject Lands, as shown on Attachment #3, is currently used for industrial/manufacturing and ancillary office purposes. The current building is comprised of two separate units of 8,530 m² (Unit “A”) and 14,310 m² (Unit “B”) and 417 m² of common area shared between the two units, with a total gross floor area (“GFA”) of 23,257 m². The Owner is seeking to lease Unit “A” to Flextile Ltd. (“Flextile”), in order to operate an adhesive and powder manufacturing facility for the purpose of producing products that are used as bonding agents in the installation of ceramic tile and stone.

The Owner has submitted Site Development File DA.18.010 to facilitate the installation of silos and dust collectors on the site for the proposed manufacturing uses. A total of nine (9) exterior silos and two (2) dust collectors are proposed on the west side of the existing building, and a 14 m² addition is proposed at the rear of the building in order to accommodate one (1) additional loading space, as shown on Attachments #3 and #4. The proposal will result in the removal of 34 parking spaces along the west and south

sides of the Subject Lands. No other changes are proposed to the exterior of the building.

The Site Development Application is currently being reviewed by the Development Planning Department and other City Departments to ensure the appropriate design features are implemented, including, but not limited to, the height and the screening of the silos and dust collectors, proper on-site organization and on-site pedestrian and vehicular movements, and the implementation of any required noise attenuation measures.

Should Vaughan Council approve Zoning By-law Amendment File Z.17.043 and enact the required implementing Zoning By-law, the Site Development Plan will be approved to implement Council's decision.

The Development Engineering ("DE") Department supports the Application, subject to the conditions in this report

The DE Department has no objection to the Application subject to some minor red-line comments that will be addressed through the Site Development Application File DA.18.010, and staff will continue to work with the Owner to finalize all plans and reports.

Environmental

The Environmental Engineering Section of the DE Department is satisfied with the Site Screening Questionnaire and Environmental Certification submitted with the Applications, and have no further concerns.

Transportation

The Transportation Planning Section of the DE Department has reviewed the Application with respect to site organization and offers no comments.

The Environmental Services Department, Solid Waste Management Division, has no objection to the proposal

The Environmental Services Department, Solid Waste Management Division has reviewed the Application and offers no comments.

Development charges are applicable to the Application

The Financial Planning and Development Finance Department has advised that prior to the issuance of a Building Permit, the Owner shall pay to the City applicable Development Charges for the addition, in accordance with the Development Charges

By-laws of the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board.

HydroOne Networks Inc. (“HONI”) has no objection to the Application

HONI has provided their clearance on the Application, but advises the Owner that the transmission lines abutting the Subject Lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the *Occupational Health and Safety Act* (the “Act”), require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors, it is 3 metres (10 feet). It is the Owner’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region has reviewed the Application and has no comments or additional submission requirements.

Conclusion

Zoning By-law Amendment File Z.17.043 has been reviewed in consideration of the policies of VOP 2010, the requirements of Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The Zoning By-law Amendment Application will facilitate additional manufacturing uses on the Subject Lands that conform to the Official Plan and that are compatible with the existing and planned uses in the area. The reduced parking supply is considered to be minor and has been reviewed and is supported by the Development Engineering Department.

On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment application, subject to the Recommendations in this report.

For more information, please contact: Letizia D’Addario, Planner, Development Planning Department, at extension 8213.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Building Elevations

Prepared by

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/CM