

February 3, 2023

BY EMAIL (clerks@vaughan.ca) & REGULAR MAIL

Vaughan City Hall
Office of the City Clerk
2141 Major Mackenzie Drive, Level 100
Vaughan, Ontario
L6A 1T1

Attn: Mr. T. Coles, MCIP, RPP, City Clerk

**Re: Public Meeting – February 7, 2023
Official Plan Amendment - File No. OP.22.007
5655, 5657, 5731, 5767, 5781 Highway 7, and 7700, 7714 Martin Grove Road (Vicinity
of Highway 7 and Martin Grove Road) - City of Vaughan
Region of York
Our file: 1711-23**

We are planning consultants writing on behalf of Westlake Canada Inc., o/a Westlake Pipe & Fittings (formerly NAPCO - Royal Building Products). 'Westlake's' manufacturing business is located at 101, 131 and 155 Regalcrest Court, and also includes a licensed portion of the Hydro Corridor used for the outside storage of their manufactured pipe products.

All of the 'Westlake' properties are fully located in a Provincially Significant Employment Zone ('PSEZ – Zone 15, Toronto-York-Peel') and form part of the Vaughan Enterprise Zone (VEZ) south. 101, 131 and 155 Regalcrest Court are designated 'Employment Area' per the Regional and Vaughan Official Plans, and are zoned for industrial uses.

Over the past thirty years 'Westlake' has manufactured and distributed a wide variety of pipes, fittings and building products serving the City of Vaughan, Region of York and the broader regional market, employing approximately 170 workers and staff, amongst their various buildings. Westlake has plans to expand and continue to grow its robust manufacturing operations at this location.

Please refer to the attached Aerial Image 1 describing the relative boundaries of 'Westlake' business operations and their collective properties in relation to the western boundary of the **Official Plan Amendment - File No. OP.22.007** properties.

POUND & STEWART ASSOCIATES LIMITED



**AERIAL IMAGE 1:
WESTLAKE CANADA INC. O/A WESTLAKE PIPE & FITTINGS**



1711_Image1_Feb.2023

Legend

- 101, 131 & 155 REGALCREST COURT
- NORTHERN & SOUTHERN OUTSIDE STORAGE BLOCKS (LICENCED)
- OP.22.007 - MARTIN GROVE AND HIGHWAY 7 LAND OWNERS OPA (PORTION)
- OP.22.007 - DISTANCE FROM WESTLAKE PIPE & FITTINGS PROPERTIES
- PARKWAY BELT WEST PLAN AREA

Westlake
Pipe & Fittings

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Another characteristic of Westlake's business operations, is the outside staging and storing of its pipes on interrelated properties, pending distribution from their licensed Hydro Corridor. Westlake requires significant stock availability at all times to quickly satisfy private and public sector demand for specific product types, sizes and lengths.

PLANNING POLICY CONTEXT

GTHA 'Employment Areas' experience potential land use compatibility issues where 'Sensitive land uses' are proposed in proximity to existing and proposed industrial uses, inclusive of manufacturing, warehouse and distribution functions, among others. The current provincial planning policy framework has evolved to strengthen land use planning policies and regulations protecting the planned functions within 'Employment Areas', as further implemented via municipal Official Plans and zoning.

By definition industrial and manufacturing uses are defined as 'Major Facilities' and further, 'Major goods movement facilities and corridors', having operations potentially vulnerable where proximate to nearby residential uses, defined as 'Sensitive Land Uses' per public planning policies.

Appendix 'A' of this letter provides the framework of the various provincial public planning policies in place to protect for 'Land Use Compatibility', placing the onus, or responsibility of achieving 'Land Use Compatibility' on the proponent of the new 'Sensitive Land Uses', thereby protecting the long-term operational and economic viability of existing and planned 'Employment Areas'.

We appreciate that the proponents of OP.22.007 have undertaken both a 'Land Use Compatibility Study – Air Quality' and 'Environmental Noise and Vibration Assessment', among others. We offer the following initial comments.

COMMENTS ON THE LAND USE COMPATIBILITY ASSESSMENT REPORTS PROVIDED TO DATE

The Land Use Compatibility Assessment Reports (LUCAs) provided by the proponent set out to focus on the following:

"This report identifies existing and potential land use compatibility issues, and evaluates options to achieve appropriate design, buffering and/or separation distances between the proposed sensitive land uses, including residential uses and nearby commercial/retail/industrial facilities. Recommended measures are intended to eliminate



or mitigate adverse impacts are provided.” (Environmental Noise and Vibration Assessment – April 21, 2022)

“The scope of this study was to identify any existing and potential land use compatibility issues and qualitatively evaluate options to achieve appropriate design, buffering and/or separation distances between the proposed sensitive land uses and nearby employment areas and/or major facilities.” (Land Use Compatibility Study Air Quality – April 22, 2022)

Need to rely on Current and Correct Data as it relates to Westlake’s properties

The LUCA reports require up to date and correct information in terms of the proximate ‘Westlake’ industrial properties. This will better inform appropriate analysis and design recommendations associated with the proposed high density residential development, inclusive of appropriate buffer distance setbacks, attenuation techniques and technologies, to achieve noise and air quality.

Need to take into account Future Growth Potential within Employment Areas

The LUCA reports appear to rely on the existing land use context in determining the potential for adverse effects between existing industrial activities and the proposed high density residential development, failing to consider the future growth potential of businesses within Employment Areas.

Westlake’s 131 and 155 Regalcrest Court is approved as Site Specific Policy 13.58 of the Vaughan Official Plan, 2010 (‘VOP 2010’). Those policies include a statement that manufacturing and warehousing is expected to continue until at least 2040. Policy 13.58.1.4 further explicitly permits expansion of the existing buildings on those lands by fifteen percent (15%) in recognition of the vibrancy of the business and its need to accommodate additional demand in the future.

The LUCAs present land use compatibility recommendations to justify the proposed high density residential land use, notwithstanding existing and proximate industrial uses, however the proponent should be required to qualify future industrial operations as well.

The Onus for Managing Noise Sensitivity Rests with the Proponent

Provincial NPC-300 GUIDELINE, C1.3.1 reads “... *the proponent of a new noise sensitive land use (is responsible) to ensure compliance with the applicable sound level limits and for these responsibilities to be reflected in land use planning decisions.*”



A proponent's responsibilities include, but are not limited to:

- *determining the feasibility of the project;*
- *assessing outdoor and indoor acoustical environments, as appropriate;*
- *investigation of feasible means of noise impact mitigation;*
- *ensuring that the required noise control measures are incorporated into the development, and;*
- *describing the technical details, and clarifying the responsibility for the implementation and maintenance, of the required noise control measures.*

The NPC-300 GUIDELINE provides recommendations on noise criteria for general land use planning, and in particular those land uses sensitive to noise, and supports *the Planning Act* and the *Provincial Policy Statement, 2020, (PPS)*, as well as the *Environmental Guideline D-1 "Land Use and Compatibility"*, among others.

Introducing new noise sensitive land use becomes a potential factor in limiting existing and future industrial activities, particularly where Environmental Activity and Sector Registry (EASR) is required or Environmental Compliance Approval (ECA) is sought to support industrial activities. In this case, Acoustic Assessment Reports, Audits and Noise Abatement Action Plans are potentially required which increases costs, processing time and this may compromise the issuance of a required ECA for Westlake's industrial facilities to function and/or expand activities where noise is a by-product of operations.

We request that the City of Vaughan include appropriate conditions to protect the ability for the expansion of Westlake's on-site activities, including additional fork lift, trucking, silo loading and unloading activities as associated with the increased storage and distribution of 'Westlake' pipe products.

Need for Land Use Buffering with Effective Setbacks, Landscaping & Screening

In terms of the conceptual Site Plan, it clear that the proximate Blocks 9 and 10 present the most land use compatibility issues in relation to the Westlake properties with linear distances as set out on Aerial Image 1.

Upon the completion of updates to the LUCAs reports there is a need to consider requirements to the proposed conceptual Site Plan that better reflect the existing conditions and future operational objectives of Westlake's manufacturing operations. This way, any future mitigation costs and approvals are not potentially required with the expansion of their manufacturing operations.



CONCLUSIONS & RECOMMENDATION

In summary, GTHA Employment Areas experience land use 'encroachment' pressures from 'Sensitive Land Uses', especially when located in proximity to viable and active industrial businesses. Today, public planning policies and regulations protect the integrity of Employment Areas from the 'encroachment' of 'Sensitive Land Uses' and this is based on the current policies of 'A Place to Grow' and the 'PPS', as further implemented via municipal Official Plans and zoning.

Westlake's manufacturing business operations are strong and robust, and with its modern facilities, it anticipates continuing its operations for several more decades at its current property locations.

In closing, it is my recommendation that the full responsibility to protect the existing and potential 'Industrial' land use activity rests with the proponents of **Official Plan Amendment - File No. OP.22.007**. This requires appropriate land use distance separations and/or land use buffering requirements, etc. to maintain land use compatibility.

Please ensure our firm remains on the City's mailing list regarding any future public notices, updates, reports, Committee and Council Agenda related items, and any Council decision or actions on the above captioned matter.

Thank-you in advance for your co-operation.

Yours truly,
Pound & Stewart Associates Limited



Philip J. Stewart, MCIP, RPP

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Attachment: Appendix 'A'

cc. Mr. H. Xu, Deputy City Manager, Planning & Growth Mangement, City of Vaughan
(haiqing.xu@vaughan.ca)

cc. Ms. N. Tuckett, MCIP, RPP, Director of Development Planning, City of Vaughan
(nancy.tuckett@vaughan.ca)

cc. Mr. M. Antoine, Sr. Manager, MCIP, RPP, City of Vaughan (mark.antoine@vaughan.ca)

cc. Ms. C. Marrelli, Sr. Manager, MCIP, RPP, City of Vaughan (carmela.marrelli@vaughan.ca)



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cc. Mr. C. Cosentino, Sr. Planner, MCIP, RPP, City of Vaughan (chris.cosentino@vaughan.ca)
cc. Mr. P. Freeman, MCIP, RPP, Commissioner of Planning & Economic Development, Region of York (Paul.Freeman@york.ca)
cc. Mr. R. Gray, Miller Thomson
cc. client

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6



Appendix ‘A’ - Sensitive land uses’ - provincial planning policies

A. The Growth Plan for the Greater Golden Horseshoe (office consolidation 2020)

The *Planning Act* requires that all decisions on planning matters must conform to, and not conflict with Growth Plan policies, where planning authorities are required to protect industrial land use.

‘A Place to Grow’ Section 2.2.5 Employment sub sections 7. and 8. establishes that proponents of the residential, or ‘*Sensitive land uses*’ need to demonstrate that their proposal is in conformity with the provincial planning policies and procedures.

<i>The Growth Plan for the Greater Golden Horseshoe (office consolidation 2020)</i>	
2	<i>Where and How to Grow</i>
2.1	<i>Context</i>
2.2	<i>Policies for Where and How to Grow</i>
2.2.5	<i>Employment</i>
7.	<p><i>Municipalities will plan for all employment areas within settlement areas by:</i></p> <p><i>a) prohibiting residential uses and prohibiting or limiting other sensitive land uses that are not ancillary to the primary employment use;</i></p> <p><i>b) prohibiting major retail uses or establishing a size or scale threshold for any major retail uses that are permitted and prohibiting any major retail uses that would exceed that threshold; and</i></p> <p><i>c) providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility.</i></p>
8.	<p><i>The development of sensitive land uses, major retail uses or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.</i></p>

B. Provincial Policy Statement, 2020 (‘PPS’)

The *Planning Act* requires that decisions of land use planning matters be “consistent” with PPS policies.

Similarly, Section 1.2.6.2 of the ‘PPS’ clearly establishes the required tests to be completed by proponents of residential, or ‘*Sensitive land uses*’, where proximate to ‘*Major facilities*’.

It is required that where new residential, or ‘*Sensitive land uses*’, are proposed there is a need to demonstrate that this proposal is in accordance with the provincial guidelines, standards and procedures, reinforced through the need for consistency with all ‘PPS’ policies, including policy 1.2.6.2., sub sections a) through d).

Provincial Policy Statement, 2020 (‘PPS’)	
Part V:	Policies
1.0	Building Strong Healthy Communities
1.2.6	Land Use Compatibility
1.2.6.1	<i>Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.</i>
1.2.6.2	<p><i>Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:</i></p> <p><i>a) there is an identified need for the proposed use;</i></p> <p><i>b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;</i></p> <p><i>c) adverse effects to the proposed sensitive land use are minimized and mitigated; and</i></p> <p><i>d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.</i></p>

MMAH recently approved new Official Plans for both the Region of York with November 4, 2022 Decisions including various policy modifications to ensure land use compatibility protecting the long-term operational and economic viability of ‘*Employment Areas*’, including:

- ‘*...To protect Employment Areas located adjacent to, or in proximity of, goods movement facilities and corridors including existing and future major highways and interchanges, for manufacturing, warehousing, and logistics, and appropriate associated uses.*’
- ‘*...The interface between major facilities and sensitive land uses to ensure matters of land use compatibility are appropriately addressed in accordance with PPS.*’