

Committee of the Whole (2) Report

DATE: Tuesday, May 9, 2023 **WARD(S):** 2

TITLE: 611428 ONTARIO LIMITED
ZONING BY-LAW AMENDMENT FILE Z.14.032
PART OF LOT 9, CONCESSION 9
VICINITY OF RAINBOW CREEK DRIVE AND HIGHWAY 427

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole on an application to rezone the subject lands to permit the future development of prestige employment uses, as shown on Attachment 2.

Report Highlights

- The Owner proposes to rezone the subject lands to permit the future development of prestige employment uses.
- No new development is proposed as a part of the Application.
- The Development Planning Department supports the Application as outlined in this report.

Recommendations

1. THAT Zoning By-law Amendment File Z.14.032 (611428 Ontario Limited) BE APPROVED, to amend Zoning By-law 1-88, to rezone the Subject Lands shown on Attachment 1, from “A - Agricultural Zone” to “EM1(H) – Prestige Employment Area Zone” with the Holding Symbol “(H)”, “EM1 – Prestige Employment Area Zone” and “OS1 – Open Space Conservation Zone” in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in this report.

2. THAT Zoning By-law Amendment File Z.14.032 (611428 Ontario Limited) BE APPROVED, to amend Zoning By-law 001-2021, to rezone the Subject Lands shown on Attachment 1, from “A Agriculture Zone” to “EM1(H) Prestige Employment Zone” with the Holding Symbol “(H)”, “EM1 Prestige Employment Zone” and “EP Environmental Protection Zone” in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in this report.
3. That the Holding Symbol “(H)” shall not be removed until the following condition is satisfied:
 - a. The Owner will be required to extend Rainbow Creek Drive and construct the roadway in the ultimate condition consistent with the City’s Design Criteria, and to the satisfaction of the City. The lifting of the Holding Symbol “(H)” shall only occur under one of the two scenarios:
 - i. The Rainbow Creek Drive permanent turning circle is constructed by the Owner entirely on the Subject Lands and convey the lands to the City, free of all costs and encumbrances, prior to the occupancy of any units on the Subject Lands; or,
 - ii. The Rainbow Creek Drive permanent turning circle is constructed by the Owner in an alternate location outside of the Subject Lands, to the satisfaction of the City, and all required lands necessary to facilitate the permanent turning circle are conveyed to the City, free of all costs and encumbrances, prior to the occupancy of any units on the Subject Lands.

Background

Location: Part of Lot 9, Concession 9 (the ‘Subject Lands’). The Subject Lands and the surrounding land uses are shown on Attachment 1.

A Zoning By-law Amendment Application has been submitted

The Owner has submitted a Zoning By-law Amendment Application (the ‘Application’) for the Subject Lands to permit the future development of prestige employment uses as shown on Attachment 2.

The Owner is required to submit a Site Development Application to facilitate the future development of the lands. In accordance with Bill 109, the approval of Site Development Applications has been delegated to the City of Vaughan Director of Development Planning and/or the Director of Policy Planning and Special Projects for approval.

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

- *Date of Notice (Circulated 150 m from Subject Lands and properties with frontage on Rainbow Creek Drive as shown on Attachment 1): March 10, 2023*
- *Location of Notice Sign: Terminus of Rainbow Creek Drive*
- *Date of Public Meeting: April 4, 2023, date ratified by Council April 25, 2023. An earlier Public Hearing was held on November 3, 2015.*
- *Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: May 2, 2023*

Public Comments were received

The following is a summary of the comments provided and received to date:

- the impacts to the natural features on and abutting the Subject Lands as a result of the development of Highway 427, the grading and site alteration authorized on and the future development of the Subject Lands.

These comments are addressed throughout this report.

Previous Reports/Authority

Previous reports related to the application can be found at the following link:

611428 Ontario Limited Public Hearing Report:
[November 17, 2015, Committee of the Whole Public Hearing \(Item 2, Report 41\)](#)

611428 Ontario Limited Public Meeting Report:
[April 4, 2023, Committee of the Whole Public Meeting \(Item 2, Report 17\)](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement and conforms to the Growth Plan, YROP and VOP 2010

Provincial Policy Statement, 2020 ('PPS')

The PPS provides direction on matters of Provincial interest related to land use planning and development and include building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety.

Section 1.3.1 of the PPS requires that Planning authorities shall promote economic development and competitiveness by providing for: an appropriate mix and range of employment, and broader mixed uses to meet long-term needs [1.3.1 a)]; and opportunities for a diversified economic base including maintaining a range and choice

of suitable sites for employment uses which support a wide range of economic activities and ancillary uses [1.3.1. b)].

The Application proposes to maintain the existing Employment Area land use designation, establishes the development limits through the rezoning and will facilitate the future development of prestige employment uses. Staff are satisfied that the Application is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan')

The Growth Plan provides a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is to build compact, vibrant, and complete communities, developing a strong competitive economy, protecting, and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

Section 2.2.5 of the Growth Plan sets out the policies for Employment. Section 2.2.5.1 states that economic development and competitiveness in the Greater Golden Horseshoe will be promoted by: making efficient use of existing employment areas and vacant and underutilized employment lands; and ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth.

The Application implements the "Employment Areas" land use designation in Vaughan Official Plan 2010 and will facilitate the future development of prestige employment uses on an underutilized and vacant parcel of land and in an appropriate location for such uses. The Application conforms to the Growth Plan.

York Region Official Plan 2010 ('YROP 2010')

The YROP 2022 replaces the YROP 2010 with respect to applications not deemed to be complete as of the YROP 2022 date of approval (Transition Policy 7.4.13). As the Applications were deemed complete prior to the approval of YROP 2022, the YROP 2010 remains as the in-force Regional Official Plan against which conformity of the Applications is measured.

The YROP 2010 designates the Subject Lands 'Urban Area', which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are located within an area identified as "Strategic Employment Lands - Conceptual" by Figure 2 – "York Region Strategic Employment Lands". Strategic employment lands shall be protected and appropriately designated for employment land uses in local

municipal official plans. The Application, which conforms to the YROP 2010, provides for the future development of prestige employment uses and is in an area designated for employment land uses.

Vaughan Official Plan 2010 ('VOP 2010')

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- "Employment Areas" and "Natural Areas and Countryside" on Schedule 1 – "Urban Structure" of VOP 2010
- "Core Features" on Schedule 2 – "Natural Heritage Network" of VOP 2010
- "Prestige Employment" and "Natural Areas" on Schedule 13 – "Land Use" of VOP 2010

The "Prestige Employment" designation permits industrial uses including manufacturing, warehousing (but not a retail warehouse), processing, and distribution uses located within wholly enclosed buildings, and no outside storage is permitted. The Application proposes to rezone the Subject Lands to the appropriate zoning category and delineates the development limits for the future development of prestige employment uses in accordance with this land use designation.

The "Natural Areas" designation delineates the Natural Heritage Network in the City. Section 3.2.3.11 states that minor modifications to the boundaries and alignment of "Core Features" may be considered if environmental studies provide rationale for such modifications to the satisfaction of the City and in consultation with the Toronto and Region Conservation Authority (the 'TRCA') without an amendment to VOP 2010. The TRCA has reviewed the submission materials and confirmed they have no concerns with the reduced Vegetation Protection Zone (identified as "3.0 m Erosion Access/Landscape Buffer on Attachment 2) from 10 metres to 3 metres. The limits of the natural features have been established and are delineated in the open space and environmental zone categories for the respective amendments to By-laws 1-88 and 001-2021.

On this basis, the Application conforms to VOP 2010.

Council enacted Zoning By-law 001-2021 on October 20, 2021 as the new Vaughan Comprehensive Zoning By-law

Applications to amend both Zoning By-law 1-88 and Zoning By-law 001-2021 are required because Zoning By-law 001-2021 is not in force for the Subject Lands due to it being under appeal.

Amendments to Zoning By-law 1-88 are required to permit the future development of the lands

Zoning

- A Agricultural Zone by Zoning By-law 1-88
- This Zone does not permit Employment uses.
- The Owner proposes to rezone the Subject Lands to “EM1(H) Prestige Employment Area” with the Holding Symbol “(H)”, “EM1 Prestige Employment Area Zone” and “OS1 Open Space Conservation Zone” in the manner shown on Attachment 2
- The Owner proposes the following site-specific exception for the “OS1 Open Space Conservation Zone”, as shown on Attachment 2:
 - a) In addition to the uses permitted in the OS1 Zone, a stormwater management facility is also permitted.
- The Owner proposes the following site-specific exception for the “EM1(H) Prestige Employment Area Zone” with the Holding Symbol “(H)”, as shown on Attachment 2:
 - a) A minimum lot frontage of 24 metres is required
- The Owner proposes the following site-specific exceptions for the portion of the “EM1 Prestige Employment Area Zone” identified as “3.0 m Erosion Access/Landscape Buffer”, as shown on Attachment 2:
 - a) The permitted uses shall be limited to landscaped open space uses; and
 - b) The 3.0 m Erosion Access/Landscape Buffer shall be included in the calculation of Lot Area and Lot Coverage, and for determining minimum setbacks

Amendments to Zoning By-law 001-2021 are required to permit the future development of the lands

Zoning:

- A Agriculture Zone by Zoning By-law 001-2021
- This Zone does not permit Employment uses
- The Owner proposes to rezone the Subject Lands to “EM1(H) Prestige Employment Zone” with the Holding Symbol “(H)”, “EM1 Prestige Employment Zone”, and “EP Environmental Protection Zone” in the manner shown on Attachment 2
- The Owner proposes the following site-specific exception for the “EP Environmental Protection Zone”, as shown on Attachment 2:
 - a) In addition to the uses permitted in the EP Zone, a stormwater management facility is also permitted.

- The Owner proposes the following site-specific exception for the “EM1(H) Prestige Employment Area Zone” with the Holding Symbol “(H)”, as shown on Attachment 2:
 - a) A minimum lot frontage of 24 metres is required
- The Owner proposes the following site-specific exceptions for the portion of the “EM1 Prestige Employment Zone” identified as “3.0 m Erosion Access/Landscape Buffer”, as shown on Attachment 2:
 - a) The permitted uses shall be limited to landscaped open space uses; and
 - b) The 3.0 m Erosion Access/Landscape Buffer shall be included in the calculation of Lot Area and Lot Coverage, and for determining minimum setbacks

The Development Planning Department can support the zoning exceptions identified above on the basis that the proposed site-specific zoning standards establish the development limits for the future development of an employment use on the lands, in consultation with the TRCA, and would facilitate a development that is consistent with the policies of the PPS and conforms to the Growth Plan, YROP and VOP 2010.

The Urban Design and Cultural Heritage divisions of the Development Planning Department advised that they have no objections to the Application at this time and that a further review will be completed, and additional submission requirements provided at the Site Development Application stage.

Minor modifications may be made to the zoning exceptions identified above prior to the enactment of an implementing Zoning By-law, as required, should the Application be approved.

A Holding Symbol “(H)” is recommended for the Subject Lands to satisfy the conditions of the City

A Holding Symbol “(H)” is recommended to be placed on the proposed zoning for the Subject Lands to address the outstanding issues discussed throughout this report. The Holding Symbol “(H)” shall not be removed from the Subject Lands, or any portion thereof, until the conditions included in the Recommendation section of this report are addressed to the satisfaction of the City. A condition to this effect is included in the Recommendations of this report.

Financial Impact

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

Operational Impact

The Policy Planning and Special Programs (“PPSP”) Department has no objection to the Application

Environmental Planning within the PPSP Department defers to the TRCA for matters relating to natural hazard and associated setbacks and confirmation of development limits. Staff advise that the City of Vaughan has Species at Risk (SAR) within the City, protected under the Endangered Species Act, 2007, S.O.2007 and it is the Owner's responsibility to comply with any Ministry of Environment, Conservation and Parks ('MECP') regulations and guidelines to protect SAR and their habitat.

The Development Engineering ('DE') Department has no objection to the Application and provides the following comments

The DE Department has provided the following comments:

Road Network

Site access is being proposed through an extension of the existing municipal road Rainbow Creek Drive. It is noted that there exists a 0.3 m reserve at the end of Rainbow Creek Boulevard that will need to be lifted to allow access to the Subject Lands. In addition, there is a triangular piece of land that currently separates the Subject Lands from the municipal right of way; however, the City is currently in the process of having these lands conveyed into City ownership to complete the Rainbow Creek Drive road network.

Municipal Servicing

There is currently a storm sewer that terminates 25 m from the Subject Lands, a sanitary sewer that terminates 36 m from the Subject Lands and a watermain that terminates 20 m from the Subject Lands, all within the Rainbow Creek Drive right of way. Upon review of the 19T-89058 and 19T-99V07 subdivision designs, future stormwater flows, sanitary flows, and watermain demands from the Subject Lands were anticipated and incorporated in the design of the subdivision.

Under the basis of an easement from the landowner of the triangular parcel that separates the Subject Lands from the municipal right of way services in favor of the Subject Lands, a servicing permit was granted by the City to permit the construction of a storm service connection from the existing storm sewer, a sanitary service connection from the existing sanitary sewer, and a water main connection from the existing watermain on Rainbow Creek Drive to the Subject Lands.

Sewage and Water Allocation

The availability of servicing capacity will be assessed at the site plan approval stage.

Transportation

Transportation Engineering Staff have no concerns with the Application, and hereby advise that a cul-de-sac or turnaround, as per City Standards, shall be provided on the Subject Lands, as shown on Attachment 2. The design, construction, and land conveyance requirements with respect to the cul-de-sac or turnaround will be provided and secured for at the Site Development Application stage, and a Holding Symbol "(H)" is required for the developable portion of the lands to satisfy this requirement.

The DE Department has provided the following conditions of approval for the future Site Development Application:

1. The Owner shall be responsible for the construction of the extension of Rainbow Creek Drive, including any necessary services or infrastructure required to service the lands, to the satisfaction of the City. The Owner shall bear all costs associated with such construction and shall convey to the City, at no cost and free of encumbrances, the lands required for the construction of the road and infrastructure, to the satisfaction of the Development Engineering Department.
2. The Owner shall enter into an agreement pursuant to the *Planning Act* with the City of Vaughan, to satisfy all conditions, financial or otherwise, of the City, with regard to such matters the City may consider necessary including payment of the development levies, the provision of roads, municipal services, landscaping, fencing, noise attenuation measures and grading and servicing construction drawings. Note the said agreement shall be registered against the lands to which it applies.
3. Prior to final approval of the Plan, the Owner shall pay its proportionate share of the cost any external municipal services that have been designed and oversized by others to accommodate the development of the plan.
4. The Owner shall acquire/obtain/convey (at no cost to the City) all necessary external lands and/or easements for City infrastructures, as may be required by the City to service proposed development.
5. The Owner shall arrange to prepare and register a reference plan at their expense for the conveyance of the required road extension and the lifting of the 0.3 m reserve(s) on the existing Rainbow Creek Drive to the satisfaction of the City of Vaughan.

Cash-in-Lieu of the dedication of parkland is required to be paid prior to Building Permit issuance

The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, in accordance with the Planning Act and the City of Vaughan Parkland Dedication By-law. The Owner shall submit an appraisal of the subject lands prepared by an accredited

appraiser for approval by the Vaughan Real Estate Department, and the approved appraisal shall form the basis of calculation of the cash-in-lieu payment. For valuation purposes, the appraisal may consider the Subject Lands to be unserviced.

The Forestry Division has no objections to the Application

The Forestry Division has advised that they have no objection to the Application, and that prior to any site works, including but not limited to service extensions, an Arborist Report and/or Clearance letter must be provided to determine any potential tree impacts. The Forestry Division advised that they will provide further comments at the Site Development Application stage.

The Ministry of Transportation ('MTO') has no objections to the Application

MTO has no objections to the Application and requires that if any drainage change would occur in the new development area, that it cannot negatively impact the Highway 427 drainage system. MTO has also identified that the Subject Lands are located within an MTO permit control area and therefore MTO review and applicable permits will be required at the Site Development Application stage.

Other internal City Departments, external agencies and various utilities have no objection to the Application

The By-law & Compliance, Licensing & Permit Services Department, Enbridge, Fire & Rescue Services, Parks Infrastructure Planning & Development Department, Rogers, and TransCanada Pipeline Ltd. have no objections to the Application.

Alectra, Development Finance, and Emergency Planning have no objections to the Application and have indicated that they will provide comments and/or further review at the Site Development Application stage.

Broader Regional Impacts/Considerations

York Region has no objection to the Application

York Region considers the Application to be a local matter and has no comments on or objection to its approval.

The Toronto and Region Conservation Authority (TRCA) has no objection to the Application

The TRCA has no objection to the Application and advises that a significant portion of the Subject Lands is regulated by TRCA under O. Reg. 166/06. A TRCA Permit will be required prior to any works commencing within the regulated portion of the site including the future development of the lands.

Conclusion

The Development Planning Department is satisfied the Application is consistent with the PPS, conforms with the Growth Plan, YROP and VOP 2010, and is appropriate for the development of the Subject Lands. The Application is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department can recommend approval of the Application, subject to the recommendations in this report.

For more information, please contact: Casandra Krysko, Senior Planner, Development Planning Department, ext. 8003.

Attachments

1. Context and Location Map
2. Proposed Zoning

Prepared by

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Approved by



Haiqing Xu, Deputy City Manager,
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Reviewed by



Vince Musacchio
on behalf of Nick Spensieri,
City Manager