

Committee of the Whole (1) Report

DATE: Tuesday, May 30, 2023

WARD: 2

TITLE: AUGEND INVESTMENTS LTD. TGA GROUP:
ZONING BY-LAW AMENDMENT FILE NO. Z.21.051 –
20 ROYAL GATE BOULEVARD,
VICINITY OF REGIONAL ROAD 27 AND HIGHWAY 7

FROM:

Haiqing Xu, 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.21.051 to amend Zoning By-laws 1-88 and 001-2021 to permit the development of a two-storey, 2,632 m², employment building for warehousing with accessory office uses with access from Royal Gate Boulevard and Regalcrest Court as shown on Attachments 2 and 3.

Report Highlights

- The Owner proposes to develop a two-storey, 2,632 m², employment building for warehousing with accessory office uses.
- An application to amend Zoning By-laws 1-88 and 01-2021 is required to facilitate a Site Development application to permit the development.
- The Development Planning Department supports the approval of the applications subject to the Recommendations of this report, as the development is consistent with provincial policy, conforms to the York Region Official Plan and Vaughan Official Plan 2010, and is compatible with the existing and planned uses in the surrounding area.

Recommendations

1. THAT Zoning By-law Amendment File Z.21.0251 (Augend Investments Ltd. TGA Group), BE APPROVED, to rezone the Subject Lands shown on Attachment 1:
 - a) From “C8 Office Commercial Zone”, subject to site-specific Exception 9(654F) in Zoning By-law 1-88 to “EM1 Prestige Employment Area Zone” in Zoning By-law 1-88 in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 of this report, and
 - b) “EM2 General Employment Zone”, by Zoning By-law 001-2021 in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 2 of this report.

Background

Location: The 0.57 ha vacant subject lands are municipally known as 20 Royal Gate Boulevard and are legally described as Parts 4, 5 and 6, on Reference Plan 65R-32562 in Part of Block 1 on Registered Plan 65M-3033 (the ‘Subject Lands’). The Subject Lands and surrounding land uses are shown on Attachment 1.

A Zoning By-law Amendment Application has been submitted to permit the proposed development

The Owner has submitted Zoning By-law Amendment File Z.21.051 application (the ‘Application’) to rezone the Subject Lands as follows:

- From “C8 Office Commercial Zone”, subject to site-specific Exception 9(654F) in Zoning By-law 1-88 to “EM1 Prestige Employment Area Zone” in Zoning By-law 1-88 in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 of this report.
- From “EM2-396 General Employment Zone” subject to site-specific Exception 396 in Zoning By-law 001-2021 to “EM1 Prestige Employment Zone” in Zoning By-law 001-2021 in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 2 of this report.

The Application would permit the development of one, two-storey, employment building for warehousing with accessory office uses having a total gross floor area (‘GFA’) of 2,632 m² with 37 parking spaces (the ‘Development’), as shown on Attachments 2 and 3.

The Subject Lands Are Exempt from Site Plan Approval

A Site Development Application is not required to develop the Subject Lands as it is an internal lot within the Employment Area and therefore, is exempt from the provisions of Site Plan Control in accordance with Section 6 a) i) of the City’s Site Plan Control By-laws 123-2013, as amended by By-law 141-2022.

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

- Date of Notice (Circulated 150 m from Subject Lands as shown on Attachment 1): April 8, 2022
- Location of Notice Signs: Royal Gate Boulevard and Regalcrest Court
- Date of Public Meeting(s): May 3, 2022, date ratified by Council May 17, 2022
- Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: May 18, 2023

Public Comments were received

The following is a summary of the comments provided and received to date. The comments are organized by theme as follows:

- Adrian Sturino, Board of Directors for Condominium Corporation No. 1351, representing 7681 Highway 27, dated February 3, 2022
- Phil Girard, P.Eng., PG Compliance Management Inc., representing Westlake Pipe and Fittings (101, 131 and 155 Regalcrest Court), dated March 3, 2022
- Phil J. Stewart, Pound and Stewart Planning Consultants representing Westlake Pipe and Fittings (101, 131 and 155 Regalcrest Court), dated April 28, 2022

The comments are organized by theme as follows:

Environmental Impacts regarding the operation of 101, 131 and 155 Regalcrest Court

- Concern with the sensitive use of a day care centre and related play area uses and outdoor patio (accessory to a banquet hall use) that would be permitted in the "EM1 Prestige Employment Area Zone" in Zoning By-law 1-88, and the "EM1 Prestige Employment Zone" in By-law 001-2021
- The environmental approval issued by the Ontario Ministry of the Environment, Conservation and Parks ('MECP') to operate Westlake Pipe and Fittings plants at 101, 131 and 155 Regalcrest Court must comply with provincial air and noise limits
- The introduction of any new noise sensitive receptor in proximity to Pipe and Fittings could put the operator at 101, 131 and 155 Regalcrest Court out of compliance
- Incorporate triple pane glazing or its equivalent in the office component of the building to mitigate noise

Response

Please refer to the Noise Impact Report paragraph in the Development Engineering section of this report.

Driveway access concerns with shared driveway access to 7681 Highway 27

- The shared driveway from Royal Gate Boulevard is a safety concern with trucks sharing the driveway with users to the office commercial area located northwest of the Subject Lands, including the day care centre at 7681 Highway 27
- Movement of heavy trucks will result in damage to the driveway
- The driveway access should be from Regalcrest Court for heavy trucks to use to access the Subject Lands and loading area

Response

The Owner submitted a Traffic Impact Study ('TIS') dated December 2021 and Addendum Letter dated January 27, 2023, and both prepared by Gala Developments which included the maneuvering plan. The findings of the TIS state, "...that all vehicles would be accommodated by the driving aisles without encroaching onto the proposed building, adjacent property, or any proposed curbs." The DE Department finds the TIS is acceptable. The reciprocal access driveway already exists for the Subject Lands, through the lands to the south connecting to Royal Gate Boulevard. Any maintenance requirements respecting the shared mutual driveway is a responsibility among the owners of the 7.5 m wide mutual driveway that was part of a Permanent Easement Agreement registered in September 2010.

Enhanced Landscaping Along Street to fit with Existing Mature Landscaping

- Provide more coniferous trees on the Subject Lands
- Provide coniferous trees along the west side of Regalcrest Court frontage, outside of the Subject Lands) to improve the streetscape

Response

The Owner has provided a concept landscape plan and proposes to provide a mix of coniferous and deciduous trees and shrubs along both Royal Gate Boulevard and Regalcrest Court. The Parks, Forestry and Horticulture Operations advised that the boulevard (between the sidewalk and street curb) on the west side Regalcrest Court is too narrow and does not meet the requirements for street tree planting. Planting can only occur on the west side of Regalcrest Court within the Owner's lot lines.

Previous Reports/Authority

Previous reports related to the Application and Subject Lands can be found at the following link:

Zoning By-law Amendment File Z.21.051 ((Augend Investments Ltd. TGA Group), Committee of the Whole (Public Meeting) Report

[May 3, 2022 Committee of the Whole Public Meeting \(Item 5, Report 22\)](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement and conforms to the Growth Plan, YROP 2010, YROP 2022 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.

The Development utilizes a vacant site within the employment area that will support employment uses. The Development complements and is compatible with the existing uses within the employment area and provides diversified employment opportunities to meet the City's long-term employment needs. Additionally, the Subject Lands are located in an area where servicing and infrastructure are available for the Development. Staff are satisfied that the Development is consistent with the PPS.

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

The Subject Lands are located within the "Employment Areas" by Schedule 1 - Urban Structure of Vaughan Official Plan 2010 ('VOP 2010'), Volume 1. The Development provides for a range of employment uses to attract businesses to the employment area to accommodate future growth. In consideration of the above, the Development, shown on Attachment 2, conforms to the Growth Plan.

York Region Official Plan 2022 ('YROP 2022') / York Region Official Plan 2010 ('YROP 2010')

The YROP 2022 identifies the Subject Lands as "Urban Area" on Map 1 - Regional Structure, which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are designated "Urban System – Employment Area" on Map 1A - Land Use Designations, YROP 2022. The Development, provides for employment uses in proximity of goods movement facilities and corridors, including existing major highways and interchanges (Highways 427 and 407), for the Development's warehousing use and thereby conforms to the YROP 2022.

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 Application was deemed complete prior to the approval of YROP 2022 (November 4, 2022), the YROP 2010 remains as the in-force Regional Official Plan against which conformity of the Application was 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 conform to the YROP 2010.

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 Area” on Schedule 1 – Urban Structure by Vaughan Official Plan 2010 (‘VOP 2010’)
- “General Employment” and “Prestige Employment” on Schedule 13 – Land Use by VOP 2010
- Policy 10.2.1.6 “Interpretation” of VOP 2010 states “for the purposes of delineating between “Prestige Employment” and “General Employment” land uses... the use abutting an arterial street shall be interpreted to extend one lot depth in from the arterial street.”
- The west portion of the Subject Lands are designated “Prestige Employment”, the designation of which extends from Regional Road 27. The east portion of the Subject Lands abutting Regalcrest Court are designated “General Employment”. Therefore the “Prestige Employment” designation applies to the Subject Lands and permits employment buildings with accessory office uses

Council enacted Zoning By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law

As the Application was received by the City on December 15, 2021, and deemed complete on December 24, 2021, the Application is transitioned under Zoning By-law 001-2021. The Owner requests that both Zoning By-laws 1-88 and 001-2021 be amended as sections of Zoning By-law 001-2021 remain under appeal.

Amendments to Zoning By-law 1-88 are required to permit the Development Zoning:

- “C8 Office Commercial Zone” by Zoning By-law 1-88, and subject to site-specific Exception 9(654F)
- This zone does not permit the Development
- The Owner proposes to rezone the Subject Lands to “EM1 Prestige Employment Area Zone” together with the following site-specific zoning exceptions shown on Table 1 to permit the Development:

Table 1

	Zoning By-law 1-88 Standard	EM1 Prestige Employment Area Zone Requirement	Proposed Exceptions to the EM1 Prestige Employment Area Zone Requirement
a.	Minimum Rear Yard (North Property Line)	12 m	7.5 m
b.	Minimum Landscape Strip abutting a Street	6 m (Royal Gate Boulevard and Regalcrest Court)	3 m (Royal Gate Boulevard and Regalcrest Court)
c.	Minimum Parking Requirements	Warehousing 1 spaces/100 m ² x 2,122 m ² = 22 spaces Accessory Office 3.5 spaces/100 m ² x 510 m ² = 18 spaces Total Parking Required = 40 spaces	Warehousing 0.95 spaces/100 m ² x 2,122 m ² = 21 spaces Accessory Office 3 spaces/100 m ² x 510 m ² = 16 spaces Provide a total of 37 spaces

Amendments to Zoning By-law 001-2021 are required to permit the Development
Zoning:

- “GC-944 General Commercial”, “EM1-944 Prestige Employment Zone”, “EM2-944 General Employment Zone”, and “EP-944 Environmental Protection Zone” by Zoning By-law, subject to site-specific Exception 14-944
- These zones do not permit the Development
- The Owner proposes to rezone the Subject Lands to “EMU Employment Commercial Mixed-Use Zone”, “SC Service Commercial Zone”, and “EP Environmental Protection Zone” together with the following site-specific zoning exceptions to permit the Development identified on Table 2 to permit the Development:

Table 2

	Zoning By-law 1-21 Standard	EM1 Prestige Employment Zone Requirement	Proposed Exceptions to the EM1 Prestige Employment Zone Requirement
a.	Minimum Landscape Strip abutting a Street	5 m (Royal Gate Boulevard and Regalcrest Court)	3 m (Royal Gate Boulevard and Regalcrest Court)

The Development Planning Department can support the zoning exceptions identified in Tables 1 and 2 on the basis that the proposed site-specific zoning standards identified in Tables 1 and 2 would facilitate a development that is consistent with the policies of the PPS and conforms to the Growth Plan, YROP 2010, YROP 2022 and VOP 2010. The site-specific development standards will facilitate an employment development in keeping with the Official Plan.

Minor modifications may be made to the zoning exceptions identified in Tables 1 and 2 prior to the enactment of an implementing Zoning By-law, as required, should the Application be approved.

The Development Planning Department supports the Development

The Development Planning Department provided comments that the landscape details should be revised in accordance with the City's Standard details.

The Subject Lands have archaeological potential

The Subject Lands are not located within a Heritage Conservation Area and have no Cultural Heritage features. Records indicate the Subject Lands, now vacant, were built on since at least 1988, so there is minimal, if any, archaeological potential left on the Subject Lands. As such, the following shall apply:

1. The Subject Lands lie in an area identified as a being of some archaeological potential, and consideration shall be maintained. As such, the following standard clauses shall apply:
 - i. Should archaeological resources be found on the property during construction activities, all work must cease, and both the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan's Development Planning Department, Urban Design and Cultural Heritage Department shall be notified immediately.
 - ii. In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The proponent shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.
2. In the event of a future development application that involves further soil disturbance an archaeological assessment by a professional licensed archaeologist may be required and conditions of approval may apply.

Financial Impact

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

Operational Impact

The Development Engineering ('DE') Department supports the Development

The Development Engineering ('DE') Department has provided the following comments:

Transportation Demand Management and Plan

The Development Engineering ('DE') Department received the letter of credit for the monitoring of the travel surveys and all measures to address the Transportation Demand Management and Plan requirements.

Noise Impact Report

A Noise Impact Report dated September 22, 2023 and prepared by NexTrans Consulting Group Inc. was submitted to address concerns respecting sensitive uses as the day care centre use. The Noise Impact Report, which includes analysis undertaken on the surrounding developments, finds that unmitigated predicted sound levels due to impulsive noise sources associated with the Development will not exceed the MECP's limits. The DE Department finds the Noise Impact Report acceptable.

Environmental Engineering

The DE Environmental Engineering staff have reviewed and confirmed acceptance of the submitted Environmental Site Screening Questionnaire and Certification and advised no significant environmental concerns were identified and therefore Environmental Site Assessment documents were not requested.

Cash-in-lieu of parkland dedication in accordance with the City's Cash-in-Lieu of Parkland and Policy and the Planning Act is required for the Development

The Parks Infrastructure Planning and Development and Real Estate Departments require that the Owner shall pay to the City of Vaughan cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the Subject Lands, in accordance with Section 51 of the Planning Act and City of Vaughan Policy. The cash-in-lieu payment in accordance with Section 42 of the *Planning Act* will not be required as long as the Council Policy waiving such payment remains in effect for industrial land.

Development Charges shall be required at the Building Permit Stage

The Financial Planning and Development Finance Department advises that the Owner shall pay to the City applicable Development Charges 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. Development charges will be payable prior to the issuance a Building Permit.

Parks, Forestry and Horticulture Operations ('Forestry') supports the Development

The Parks, Forestry and Horticulture Operations ('Forestry') supports the Development and advises that a Private Property Tree Removal and Protection Permit (Dead/Hazardous/Emerald Ash Borer Infestation) are required for the removal/injury to

trees (over 20cm Diameter at breast height ('DBH')) on the Subject Lands, as per Tree Protection By-Law 52-2018.

City Departments have no objection to the Development

The By-law and Compliance, Licensing and Permit Services, Environmental Services, Policy Planning and Environmental Sustainability, Infrastructure Planning and Corporate Asset Management Departments have no objection to the Development.

Other external agencies and various utilities have no objection to the Development

Alectra Utilities Corporation, Canada Post, Bell Canada, Enbridge Gas, HydroOne, Infrastructure Ontario and Rogers Communications have no objections to the Development.

Broader Regional Impacts/Considerations

York Region has no objection to the Development

The Subject Lands are not located on a Regional Road. York Region has determined that Zoning By-law Amendment File Z.21.051 is a matter of local significance and does not adversely affect Regional planning policies or interest.

Conclusion

The Development Planning Department is satisfied the Application is consistent with the PPS, conforms with the Growth Plan, YROP 2010, YROP 2022 and VOP 2010, and is appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department can recommend approval of the Applications.

For more information, please contact: Judy Jeffers, Planner, Development Planning Department, ext. 8645.

Attachments

1. Context and Location Map
2. Proposed Zoning and Conceptual Site Plan
3. Building Elevations

Prepared by

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Approved by

A handwritten signature in black ink, appearing to read 'Haiqing'.

Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by

A handwritten signature in blue ink, appearing to read 'Zoran Postic'.

Zoran Postic
on behalf of Nick Spensieri,
City Manager