

Committee of the Whole (1) Report

DATE: Tuesday, May 30, 2023

WARD: 2

TITLE: BETHPAGE PROPERTIES WEST INC.:
OFFICIAL PLAN AMENDMENT FILE OP.21.013,
ZONING BY-LAW AMENDMENT FILE Z.21.023 –
9001 REGIONAL ROAD 50,
VICINITY OF REGIONAL ROAD 50 AND RUTHERFORD ROAD

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Official Plan and Zoning By-law Amendment Files OP.21.013 and Z.21.023 to permit two employment buildings with a combined gross floor area of 72,045.45 m² for warehouse and distribution facility uses with accessory outside storage for trucks and trailers, intermodal containers, and commercial motor vehicles, having access onto Regional Road 50 and Hunter's Valley Road, as shown on Attachments 4 to 6.

Report Highlights

- The Owner proposes to develop two employment buildings for warehouse and distribution facility uses with accessory outside storage for trucks and trailers, intermodal containers, and commercial motor vehicles.
- Applications to amend the Official Plan, and Zoning By-laws 1-88 and 01-2021 are 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 Vaughan Official Plans, and is compatible with the existing and planned uses in the surrounding area.

Recommendations

1. THAT Official Plan Amendment File OP.21.013 (Bethpage Properties West Inc.), BE APPROVED, to amend Vaughan Official Plan 2010, Volume 1, for the subject lands shown on Attachment 1 as follows:
 - a) redesignate the Subject Lands from “Employment Commercial Mixed-Use” with a maximum building height of 4-storeys and a maximum floor space index (FSI) of 1.5 times the area of the lot, “General Employment”, “Prestige Employment”, and “Natural Areas” to “Employment Commercial Mixed-Use” with a maximum building height of 4-storeys and a maximum FSI of 1.5 times the area of the lot and “Natural Areas”, as shown on Attachments 2 and 3;
 - b) permit accessory outside storage for trucks and trailers, intermodal containers, and commercial motor vehicles, within the “Employment Commercial Mixed-Use” designation abutting an arterial road; and
 - c) permit accessory outside storage for trucks and trailers, intermodal containers, and commercial motor vehicles, on a corner lot;
2. THAT Zoning By-law Amendment File Z.21.023 (Bethpage Properties West Inc.), BE APPROVED, to rezone the Subject Lands from “EM1 Prestige Employment Area Zone”, “EM2 General Employment Area Zone”, “EM3 Retail Warehouse Employment Area Zone” and “OS1 Open Space Conservation Zone” shown on Attachment 1 to:
 - a) “EM3 Retail Warehouse Employment Area Zone”, “C7 Service Commercial Zone”, and “OS1 Open Space Conservation Zone” in Zoning By-law 1-88 in the manner shown on Attachment 4, together with the site-specific zoning exceptions identified in Table 1 in Attachment 9 of this report; and
 - b) “EMU Employment Commercial Mixed Use”, “SC Service Commercial Zone”, and “EP Environmental Protection Zone” in Zoning By-law 001-2021 in the manner shown on Attachment 4, together with the site-specific zoning exceptions identified in Table 2 in Attachment 10 of this report; and
3. THAT the Block 64 Plan (Boca Business Park), as shown on Attachment 8, BE APPROVED to show the redesignated subject lands as “Prestige Employment” and “Natural Areas”.

Background

Location: 9001 Regional Road 50 (the ‘Subject Lands’). The Subject Lands and the surrounding land uses are shown on Attachment 1.

Zoning By-law Amendment and Draft Plan of Subdivision Applications were previously submitted for the Subject Lands

The previous owner of the Subject Lands (Boca East Investments Ltd.) submitted Zoning By-law Amendment and Draft Plan of Subdivision Applications (Files Z.06.071 and 19T-06V13) to permit employment uses, for the lands shown on Attachment 7. Council, on June 25, 2007, ratified the June 18, 2007 Committee of the Whole recommendation to approve the applications consistent with the June 26, 2006 Council approved Block 64 Plan. The Committee of the Whole report identified the Subject Lands as Block 1 for “EM3 Retail Warehouse Employment Zone”, Part of Block 3 for “EM2 General Employment Zone” and Block 13 as “OS1 Open Space Conservation Zone” (Attachment 7).

Draft Plan of Subdivision File 19T-06V13, which excludes the Subject Lands, was registered on May 17, 2012 as Plan 65M-4318. The conditions of approval for this subdivision file lapsed and therefore Subject Lands were not registered as a block within Draft Plan of Subdivision File 19T-06V13.

Official Plan and Zoning By-law Amendment and Site Development Applications resulted in the modification of the Council approved June 26, 2002 Block 64 Plan

Boca East Investments Ltd. submitted Official Plan and Zoning By-law Amendment and Site Development Applications (Files OP.12.001, Z.12.002 and DA.12.013) to permit a warehouse and distribution facility with accessory outside storage for the lands shown on Attachment 7. Council, on April 17, 2012, ratified the April 3, 2012 Committee of the Whole recommendation to approve the applications. In addition to the approval of these applications, the elimination of a ring road was supported resulting in modifications to the Block 64 Plan.

Official Plan and Zoning By-law Amendment Applications have been submitted to permit the revised proposed development

The Owner has submitted revisions to Official Plan Amendment File OP.21.013 and Zoning By-law Amendment File Z.21.023 applications (the ‘Applications’) for the Subject Lands to permit two employment buildings with a combined gross floor area (‘GFA’) of 72,045.45 m² for warehouse and distribution facility uses with accessory outside storage for trucks and trailers, intermodal containers, and commercial motor vehicles (the ‘Development’), to be serviced with 635 parking spaces and 40 short- and long-term bicycle parking spaces as shown on Attachments 4 to 6. The Owner previously proposed to amend Schedule 9, Future Transportation Network of Vaughan Official Plan 2010 (VOP 2010) to delete the “Major Collector (26 m) Proposed New Road Link” (extension of Hunter Valley’s Road). However, the elimination of the proposed road was not supported by the City and York Region as it would sever a critical means of connectivity within Block 64 as well as to/from neighbouring blocks for all modes of transportation. Major Collector Roads are vital spine roads that support walking, cycling, and transit as well as drivers. The revised Development is as follows:

1. Official Plan Amendment File OP.21.013 to:
 - a) redesignate the Subject Lands from “Employment Commercial Mixed-Use” with a maximum building height of 4-storeys and a maximum floor space index (FSI) of 1.5 times the area of the lot, “General Employment”, “Prestige Employment”, and “Natural Areas”, as shown on Attachment 2, to “Employment Commercial Mixed-Use” with a maximum building height of 4-storeys and a maximum FSI of 1.5 times the area of the lot and “Natural Areas” as shown on Attachment 3;
 - b) permit accessory outside storage for trucks and trailers, intermodal containers, and commercial motor vehicles, within the “Employment Commercial Mixed-Use” designation abutting an arterial road; and
 - c) permit accessory outside storage for trucks and trailers, intermodal containers, and commercial motor vehicles, on a corner lot.

2. Zoning By-law Amendment File Z.21.023 to the Subject Lands from “EM1 Prestige Employment Area Zone”, “EM2 General Employment Area Zone”, “EM3 Retail Warehouse Employment Area Zone” and “OS1 Open Space Conservation Zone” shown on Attachment 1 to:
 - a) “EM3 Retail Warehouse Employment Area Zone”, “C7) Service Commercial Zone”, and “OS1 Open Space Conservation Zone” in Zoning By-law 1-88 in the manner shown on Attachment 4, together with the site-specific zoning exceptions identified in Table 1 of this report; and
 - b) “EMU Employment Commercial Mixed Use”, “SC Service Commercial Zone”, and “EP Environmental Protection Zone” in Zoning By-law 001-2021 in the manner shown on Attachment 4, together with the site-specific zoning exceptions identified in Table 2 of this report.

The Owner submitted a related Site Development Application (File DA.23.026) in April 2023 to facilitate the development. 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 September 10, 2021): September 10, 2021
- Location of Notice Signs: Regional Road 50, Rutherford Road, and Hunter's Valley Road

- Date of Public Meeting: October 20, 2021, date ratified by Council: October 5, 2021
- Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: Not Applicable

Previous Reports/Authority

Previous reports related to the Applications and Subject Lands can be found at the following links:

Boca Plan File BL.64.2005 (Boca East Investments Limited), Committee of the Whole Report

[June 19, 2006 Committee of the Whole Meeting \(Item 72, Report 37\)](#)

Zoning By-law Amendment File Z.06.071 and Draft Plan of Subdivision File 19T-06V13 (Boca East Investments Limited), Committee of the Whole Report

[June 18, 2007 Committee of the Whole Meeting \(Item 73, Report 34\)](#)

Official Plan Amendment File OP.12.011, Zoning By-law Amendment File Z.12.002 and Site Development File DA.12.013 (Boca East Investments Limited), Committee of the Whole Report

[April 3, 2012 Committee of the Whole Meeting \(Item 11, Report 12\)](#)

Official Plan Amendment File OP.21.013 and Zoning By-law Amendment File Z.21.023 (Bethpage Properties West Inc.) Committee of the Whole (Public Meeting) Report

[October 5, 2021 Committee of the Whole \(Public Meeting\) \(Item 1, Report 44\)](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement, conforms to the Growth Plan and YROP 2022, and maintains the intent of the employment policies of 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 Block 64 employment area that will support a range of 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 is available for the Development consistent with the PPS. 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 conforms to the Growth Plan. The Development shown on Attachment 4 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 an existing major highway and interchanges (Highway 427) and the CP Railway Intermodal Terminal, for the Development's warehouse and distribution facility uses 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 Applications were 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 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 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 VOP 2010
- Designated "Employment Commercial Mixed-Use" with a maximum building height of 4-storeys and a maximum FSI of 1.5 times the area of the lot, "General Employment", "Prestige Employment" and "Natural Areas" by Schedule 13 - "Land Use" by VOP 2010

- “Major Collector (26 m) Proposed New Road Link” identified on Schedule 9 - “Future Transportation Network” of VOP 2010
- The “Employment Commercial Mixed-Use” designation permits the proposed warehouse and distribution facility uses
- The “Employment Commercial Mixed-Use” does not permit the use of accessory outside storage for trucks and trailers, intermodal containers, and commercial motor vehicles, or these uses on a corner lot

The “Employment Commercial Mixed-Use” designation permits employment uses as warehouse and distribution facility uses. An amendment to VOP 2010 is required to redesignate the Subject Lands that are designated “General Employment”, “Prestige Employment” and “Natural Areas” to “Employment Commercial Mixed-Use” and “Natural Areas” along with the following amendments to the “Employment Commercial Mixed-Use” policies in VOP 2010 to permit the Development as shown on Attachments 4 to 6:

- permit accessory outside storage for trucks and trailers, intermodal containers, and commercial motor vehicles within the “Employment Commercial Mixed-Use” designation abutting an arterial road
- permit accessory outside storage for trucks and trailers, intermodal containers, and commercial motor vehicles on a corner lot

The Development shown on Attachments 4 to 6 supports the long-term viability and efficiency of the employment lands with a greater range of land uses, including accessory outside storage. The Subject Lands’ employment uses benefit by being in proximity to an existing 400-series highway (Highway 427). The accessory outside storage for trucks and trailers, intermodal containers, and commercial motor vehicles will not be stacked and will not exceed a height of 4.2 m. The Development Planning Department is of the opinion that the Development maintains the intent of the “Employment Commercial Mixed-Use” policies of VOP 2010.

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

As the Applications were received by the City on June 1, 2021, and deemed complete on July 6, 2021, the Applications are transitioned under Zoning By-law 001-2021. The Owner requests that both Zoning By-law 1-88 and Zoning By-law 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:

- “EM1 Prestige Employment Area Zone”, “EM2 General Employment Area Zone”, “EM3 Retail Warehouse Employment Area Zone” and “OS1 Open Space Conservation Zone” by Zoning By-law 1-88, subject to site-specific Exception 9(1013)
- These zones do not permit the Development

- The Owner proposes to rezone the Subject Lands to “EM3 Retail Warehouse Employment Area Zone”, “C7 Service Commercial Zone” and “OS1 Open Space Conservation Zone” together with the site-specific zoning exceptions to permit the Development identified on Table 1 in Attachment 9.

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 in Attachment 10.

The Development Planning Department can support the rezoning to “EM3 Retail Warehouse Employment Area Zone”, “C7 Service Commercial Zone”, and “OS1 Open Space Conservation Zone” in Zoning By-law 1-88, together with the site-specific zoning exceptions identified in Table 1 on Attachment 9, and to “EMU Employment Commercial Mixed-Use Zone”, “SC Service Commercial Zone”, and “EP-944 Environmental Protection Zone” together with the site-specific zoning exceptions identified in Table 2 on Attachment 10 on the basis that the proposed site-specific zoning standards would facilitate a development that is consistent with the policies of the PPS, conforms to the Growth Plan and YROP 2022 and maintains the intent of the “Employment Commercial Mixed-Use” policies of VOP 2010.

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

An amendment is required to the Block 64 Plan - Boca Business Park to identify the Subject Lands as “Employment Commercial Mixed-Use” and “Valleylands” instead of “Retail Warehousing”, “Prestige Area”, “Employment Area General” “Open Space” and “Valleylands”

Vaughan Council on April 17, 2012, approved the revised Block 64 Plan (Boca Business Park). The Block 64 Plan provides the basis for the land uses, environmental protection, servicing infrastructure, transportation (road) network, public transit, urban design, and phasing for Block 64 in order to manage growth. The current Block 64 Plan showed the Subject Lands as “Retail Warehousing”, “Prestige Area”, “Employment Area General”, “Open Space” and “Valleylands” as shown on Attachment 7. Should the Proposal be approved, the Subject Lands will be “Employment Commercial Mixed-Use” and “Valleylands”. Accordingly, a recommendation is included in this report for Council to approve the revised Block 64 Plan should the Development be approved.

The Development Planning Department comments shall be addressed through the review at the Site Plan Stage

The Development Planning Department shall approve, but not limited to, the site plan, building elevations, lighting, landscape plan, landscape details, landscape cost estimate, sustainability performance metrics shall be finalized to the satisfaction of the Development Planning Department.

The Subject Lands have archaeological potential

The Subject Lands are not located within a Heritage Conservation Area and have no other Heritage content. However, the Subject Lands do have archaeological potential, so the following clauses shall apply:

1. The subject parcel of land lies in an area identified as a being of some archaeological potential, and consideration shall be maintained. As such, the following standard clauses shall apply at the Site Plan stage:
 - 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 Policy Planning and Environmental Sustainability ('Policy') Department supports the Development

The Policy Planning and Environmental Sustainability Department ('Policy') advises that section 3.2.3.10 of VOP 2010 notes that the "Core Features" and their related Vegetation Protection Zone ('VPZ') will be conveyed to the City and/or Toronto and Region Conservation Authority ('TRCA') as a condition of Site Plan approval. The Applications indicate that the Owner intends to convey the valley and associated VPZ into public ownership. A robust restoration/planting plan for the VPZ will be prepared to

the satisfaction of the City and Toronto and Region Conservation Authority ('TRCA') as part of the related Site Plan application for the Development. An updated Environmental Impact Study ('EIS') will be required as part of a Site Plan application should there be any deviations from the submitted plans. The Owner is to comply with any Ministry of Environment, Conservation and Parks ('MECP') regulations and guidelines to protect Species at Risk and their habitat. Provided the TRCA is, Environmental Planning staff have no concerns with Official Plan Amendment File OP.21.013, subject to TRCA accepting of the refined valley corridor limit.

The Development Engineering ('DE') Department supports the Development, subject to the comments in this report

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

Road Network

The Development is located east of Regional Road 50, south of Rutherford Road and adjacent to a future road extension for Hunter's Valley Road. Access for the Development is proposed via future Hunter's Valley Road extension and Regional Road 50.

Modifications to the alignment of future municipal infrastructure as per the approved Block 64 Block Plan (Hunter's Valley Road extension including watermain, storm and sanitary servicing, etc.) are proposed through these Applications through a site-specific Block 64 Plan Amendment. To facilitate the proposed Hunter's Valley Road alignment, modifications to the existing Home Depot entrance and road design exceptions to the City's Design Criteria are necessary including some additional infrastructure (retaining walls) that will be required to be owned and maintained by the private landowner to the east.

The Owner must enter into an agreement with the City to facilitate the extension of Hunter's Valley Road, all related infrastructure including any retaining walls and handrails and modifications to the existing Hunter's Valley Road and Home Depot entrance, shall all be to the satisfaction of the City.

Water Distribution

The Subject Lands are located within Pressure District 6 ('PD6') of the York Water Supply System. The Owner proposes to service the Development with Industrial-Commercial-Institutional ('ICI') water service connections from realigned municipal watermain infrastructure to be constructed within the future Hunter's Valley Road extension. The existing watermain infrastructure that is proposed to be realigned through these Applications was initially constructed through Plan of Subdivision Files 19T-06V13 and 19T-07V05 (Huntington Glen – Phase 1 – Boca East Investments Limited and Santana Development Inc., respectively) and therefore is currently unassumed. Prior to DE's endorsement of the current Development, the Owner must obtain permission from the original developer and the original Subdivision Engineer (Schaeffer's Consulting Engineers) to revise the existing Construction Drawings to suit the proposed alignment.

To facilitate the proposed re-alignment of the existing Hunter's Valley Road and Home Depot entrance, lands currently owned by the City as part of the existing Hunter's Valley Road cul-de-sac will be required to be reconveyed back into private ownership (Home Depot lands) and a new municipal easement shall be established and conveyed to the City by the Owner for the purpose of maintaining the existing watermain infrastructure within Hunter's Valley Road. The Owner must enter into an agreement with the City to facilitate the realigned municipal watermain infrastructure, all to the satisfaction of the City.

Stormwater Management

The Subject Lands are tributary to existing stormwater infrastructure including an existing stormwater management pond south of the current cul-de-sac terminus of Hunter's Valley Road. Stormwater servicing is proposed for the Development via storm service connections and control maintenance holes from future municipal stormwater infrastructure proposed to be constructed within the future Hunter's Valley Road extension.

To facilitate the proposed re-alignment of the existing Hunter's Valley Road and Home Depot entrance, lands currently owned by the City as part of the existing Hunter's Valley Road cul-de-sac will be required to be reconveyed back into private ownership (Home Depot lands) and a new municipal easement shall be established and conveyed to the City by the Owner for the purpose of maintaining the existing stormwater infrastructure within Hunter's Valley Road. Furthermore, the existing downstream stormwater management pond which the Development is tributary to shall be updated for modelling purposed to ensure sufficient quantity and quality control is available to support the additional lands proposed for future development, as impacted by the Hunter's Valley Road realignment. The Owner must enter into an agreement with the City to facilitate the realigned municipal stormwater infrastructure, all to the satisfaction of the City.

Sanitary Servicing

The Subject Lands are tributary to existing sanitary sewer infrastructure at the current cul-de-sac terminus of Hunter's Valley Road, ultimately conveying flows to the existing municipal sewer within Huntington Road. Sanitary servicing is proposed for the Development via sanitary service connections and control maintenance holes from future municipal sanitary sewer infrastructure proposed to be constructed within the future Hunter's Valley Road extension.

To facilitate the proposed re-alignment of the existing Hunter's Valley Road and Home Depot entrance, lands currently owned by the City as part of the existing Hunter's Valley Road cul-de-sac will be required to be reconveyed back into private ownership (Home Depot lands) and a new municipal easement shall be established and conveyed to the City by the Owner for the purpose of maintaining the existing sanitary sewer infrastructure within Hunter's Valley Road. The Owner must enter into an agreement with the City to facilitate the realigned municipal sanitary sewer infrastructure, all to the satisfaction of the City.

Environmental Engineering

The DE Environmental Engineering staff have reviewed and confirm acceptance of the submitted Environmental Site Screening Questionnaire and Certification, Phase One Environmental Site Assessment and Phase Two Environmental Site Assessment, both dated Apr 17, 2021, and the Letter of Reliance dated July 26, 2021, all prepared by EXP Services Inc.

Transportation

In principle, the DE Transportation staff support the Development, and at the Site Plan stage the final site plan should address, but not be limited to, providing an updated traffic/access study, providing Construction Engineering Drawings (via Perfect Submission) for the proposed realigned Hunter's Valley Road extension, modifying the existing Home Depot's access at the existing Hunter's Valley Road cul-de-sac to enhance traffic safety with sufficient curb radii and pavement widths to serve heavy trucks. The Owner is required to provide the design and details for the proposed right-in/out access for Regional Road 50 as per City standards. Furthermore, access spacing from Rutherford Road requires review and approval by the York Region. The proposed intersection design and details at Hunter's Valley Road/Rutherford Road requires review and approval by the York Region, the proposed right-in/out access details on Regional Road 50 requires approval by the Peel Region. The Owner is required to provide sidewalks and in-boulevard cycle tracks on both sides of all collector roads per the recommendations of the Pedestrian and Bicycle Master Plan and provide Owner is required to coordinate with the Peel Region regarding active transportation facilities to be protected along Regional Road 50.

Block 64 Group Trustee Letter

The Owner provided a letter from the Group Trustee for Block 64 confirming acceptance of the proposed Block Plan changes (i.e., Hunter's Valley Road re-alignment) and confirming they are in good standing under the terms of the said Cost Sharing Agreement for Block 64 to the satisfaction of the Development Engineering Department.

The DE Department supports the Development subject to the recommendations and comments in the report.

The Parks Infrastructure Planning and Development ('PIPD') Department supports the Development

The Parks Infrastructure Planning and Development ('PIPD') Department supports the Development subject to passive recreational use being permitted on the Open Space/Environmental Protection ('EP') Block. The proposed zoning will permit this use. The PIPD Department advises that the following comments including, but not limited to, providing payment-in-lieu of parkland dedication, updating the Arborist Report and Trail Feasibility Report to confirm the final alignment, grading, tree inventory and preservation plan, planting plan, condition assessment and cost estimate for the existing and new trail sections connecting to the Hunter's Valley Road Extension are to be addressed at the Site Plan stage.

Blanket Easement

The PIPD Department advises that if the Open Space/Environmental Protection (EP) Block is conveyed to the TRCA (rather than the City), a blanket easement on the entire EP block is required to be applied for the purposes of public access and the construction and maintenance of a future public trail over a portion of the blanket easement lands. The blanket easement will be released once the final alignment and construction of the trail has been completed, to the satisfaction of the City. A condition of Site Development Application will be provided.

Fencing

The PIPD Department requires the Owner to construct a 2.5 m high black vinyl chain-link fence, wholly on the subject lands, where it abuts the open space lands and associated buffer, with all fencing material, including foundations, to delineate the boundary of the Development, buffer block and open space, and to screen the yard amenity area on the lot. Details of the fence, cost estimate for the fence, and letter of credit for the fence construction are to be provided for in the related Site Development Application.

Warning Clauses

The PIPD Department shall require the following warning clauses to be placed within all Offers of Agreement of Purchase and Sale or Lease for all lots abutting the EP Block and trail:

“Purchasers and/or tenants are advised that any encroachments and/or dumping from the subject lot to the pathway, are prohibited.”

"Purchasers and/or tenants are advised that the lot abuts an open space valley and associated buffer, which may include trails and maintenance access routes and that noise and lighting should be expected from the use of the trail and operation and maintenance of the associated structures and facilities.”

Grading/Retaining Wall

The proposed grading information and further detail on wall height and construction method (including sections) is required to be submitted at the Site Plan stage. The PIPD Department advises that encroachments into the lands to be conveyed into public ownership are not permitted, including grading, tiebacks, and footings (for walls, fences), and the Development should be fully constructable and maintainable on the Subject Lands.

Stormwater Management

Proposed stormwater management details should also be provided, including overland flow routes and location of swales, to ensure enough space is provided to mitigate impacts from the proposed development to adjacent open space lands. All stormwater should be contained on the Subject Lands, and no overland flow should adversely

impact the trail in the open space lands to be conveyed into public ownership. The Owner is to provide the stormwater management details at the Site Plan stage.

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

The Parks, Forestry and Horticulture Operations ('Forestry') supports the Development. Forestry subject to their comments being addressed.

Private Property Tree Removal and Protection Permit

A Private Property Tree Removal and Protection Permit (Construction/Infill) is required for the removal/injury/protection to trees (over 20 cm diameter at breast height ('DBH')) on the Subject Lands and trees located within 6 m of the Subject Lands, as per Tree By-Law 052-2018. All tree removals/tree protection shall conform with Tree By-law 052-2018.

Tree Protection Requirements

Tree Protection Fencing is to be installed to minimize the impact on the trees (over 20cm DBH) to be preserved prior demolition/construction and is to remain until the construction is completed and is applicable to both private and public trees) in accordance with Tree By-Law 052-2018. No construction activity, grade changes, surface treatment, excavations of any kind or material storage is permitted within the Tree Protection Zone ('TPZ'). The tree protection barriers shall be installed at their approved location and shall be maintained in their original location and condition until all construction activities within the Subject Lands have ceased and all equipment is removed from the Subject Lands. No equipment or material storage, flushing of fuel or washing of equipment is allowed within the TPZ. Any works within the TPZ area to be performed or supervised by a Certified Arborist.

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 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.

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

Alectra Utilities Corporation, Canada Post, Enbridge Gas and Rogers Communications have no objections to the Proposal.

Broader Regional Impacts/Considerations

York Region

York Region has determined the proposed amendment is a matter of local significance and does not adversely affect Regional planning policies or interest. York Region, on March 27, 2023, exempted the Official Plan Amendment Application from approval by

the Regional Committee of the Whole and Council. York Region also had no comments on Zoning By-law Amendment File Z.21.023.

The Subject Lands are located on regional roads (Rutherford Road and Regional Road 50). York Region's Transportation staff will comment on the related Site Development Application.

Peel Region

Peel Region has reviewed the Development and offer regional clearance based that no grading shall be permitted within any Peel Region right-of-way to support adjacent developments, no overland flows or drainage shall be proposed to Regional Road 50 and right-in/right-out access off Regional Road 50. For the related Site Plan Application, the Owner shall complete, but not limited to the following requirements, provide a Traffic Impact Study, and dedicate lands for Regional Road 50 road widening, and protect for the provision of utilities, sidewalks, multiuse pathways and transit bay/shelters and 0.3 m reserve. These requirements shall be completed to the satisfaction of the Region prior to Site Plan approval.

The Toronto and Region Conservation Authority ('TRCA') supports the Development

The TRCA staff advised they have no objection to the approval of the Development and are satisfied that the boundary adjustments related to the Natural Area designation and EP – Environmental Protection zone lands have accurately captured the limit of the valley corridor and an associated 10 m buffer. Further, the existing trail is being maintained except for a portion on the eastern end of the Subject Lands that will be outside of the 10 m buffer. It is the expectation of TRCA staff that the OS1 - Open Space area will be restored to a naturalized condition through the planting of native, non-invasive, tree and shrub species. As a part of the future detailed design for the Subject Lands, the following comments, including but not limited to, stormwater management, erosion control, and edge management/landscape restoration planting plans for the buffer area, will need to be addressed to the satisfaction of TRCA.

Conclusion

The Development Planning Department is satisfied the Applications are consistent with the PPS, conforms with the Growth Plan and YROP, and maintains the intent of 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, subject to the recommendations in this report and site-specific zoning exceptions in Attachments 9 and 10.

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

Attachments

1. Context and Location Map
2. Schedule 13 - Land Use Vaughan Official Plan 2010
3. Proposed Official Plan Amendment
4. Proposed Zoning and Concept Plan
5. Elevations - Building 'A'
6. Elevations - Building 'B'
7. June 25, 2007 Council Red-lined Draft Approved Plan of Subdivision File 19T-06V13
8. Approved Block 64 Plan, April 19, 2012
9. Zoning By-law 1-88 Table 1
10. Zoning By-law 001-2021 Table 2

Prepared by

Judy Jeffers, Planner, ext. 8645

Carmela Marrelli, Senior Manager of Development Planning, ext.8791

Nancy Tuckett, Director of Development Planning, ext. 8529

Approved by



Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by



Zoran Postic
on behalf of Nick Spensieri,
City Manager