

## Committee of the Whole (2) Report

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**DATE:** Tuesday, December 5, 2023

**WARD(S):** 2

**TITLE:** NCAP NICOLA (HWY 27) LTD.

**OFFICIAL PLAN AMENDMENT FILE OP.17.016**

**ZONING BY-LAW AMENDMENT FILE Z.17.046**

**7242 HIGHWAY 27**

**VICINITY OF HIGHWAY 27 AND HIGHWAY 407**

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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### **Purpose**

To seek approval from the Committee of the Whole on applications to redesignate and rezone the subject lands as shown on Attachment 1, to permit the development of two 1-storey multi-unit industrial buildings with a total gross floor area of 8,145.23 m<sup>2</sup> following the realignment of Toronto RV Road, as shown on Attachments 2 to 6.

### **Report Highlights**

- The Owner proposes the development of two, 1-storey multi-unit industrial buildings and the realignment of Toronto RV road.
- Official Plan and Zoning By-law Amendments are required to permit the proposed development.
- The Development Planning Department supports the proposal as outlined in this report.

### **Recommendations**

1. THAT Official Plan Amendment File OP.17.016 (NCAP NICOLA (HWY 27) LTD.), BE APPROVED to amend VOP 2010, Schedule 1 - "Urban Structure" to redesignate a portion of the subject lands from "Natural Areas and Countryside"

to “Employment Areas”, and to amend Volume 2, Site-Specific Policy 13.3, 7242 Highway 27, by deleting the site-specific policy in its entirety.

2. THAT Zoning By-law Amendment File Z.17.046 (NCAP NICOLA (HWY 27) LTD.), BE APPROVED to amend Zoning By-law 001-2021 to rezone the Subject Lands from “OS2 Private Open Space Zone” (‘OS2 Zone’) subject to site-specific exception 14.1101 and “EM1 Prestige Employment Zone” (‘EM1 Zone’), as shown on Attachment 1, to “EM1(H) Prestige Employment Zone” with the Holding Symbol “(H)” in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Attachment 7.
3. THAT the Holding Symbol “(H)” shall not be removed from the Subject Lands or any portion thereof, until the following conditions are addressed to the satisfaction of the City:
  - a. The Owner shall enter into a Development Agreement with the City for the design and construction of municipal works external to the Subject Lands required to support the proposed development, to the satisfaction of the City. The Development Agreement shall be registered against the lands to which it applies, and upon execution, the Owner shall satisfy conditions of the City, financial or otherwise, all to the satisfaction of the City.
  - b. The Owner will be required to realign Toronto R.V. Road and construct the roadway in the ultimate conditions consistent with the City’s Design Criteria, all to the satisfaction of the City. The Owner shall convey these lands to the City, free of all costs and encumbrances.

### **Background**

Location: 7242 Highway 27 (the ‘Subject Lands’). The Subject Lands and the surrounding land uses are shown on Attachment 1.

***The Ontario Municipal Board (‘OMB’), now known as the Ontario Land Tribunal (‘OLT’), partially approved Site-Specific Policy 13.3 in Volume 2 of VOP 2010.***

On December 2, 2013, the OMB partially approved Volume 2 of Vaughan Official Plan 2010 (VOP 2010), Site-Specific Policies, which included a previous OMB decision (Order No. 1696) for the Subject Lands as Site-Specific Policy 13.3.

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

The Owner has submitted Official Plan and Zoning By-law Amendment Applications (the ‘Applications’) for the Subject Lands to permit the proposed development of two, 1-storey multi-unit industrial buildings with a total gross floor area of 8,145.23 m<sup>2</sup> with 125

surface parking spaces, and to realign Toronto RV Road (the 'Development'), as shown on Attachments 2 to 6.

Related Site Development Application DA.23.035, has been submitted. In accordance with the Bill 109 amendments to the *Planning Act*, the approval of Site Development Applications has been delegated to the Deputy City Manager of Planning and Growth Management or delegate.

***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): May 6, 2022*
- *Location of Notice Sign: Toronto RV Road and Highway 27*
- *Date of Public Meeting: May 30, 2022 (date ratified by Council June 28, 2022)*
- *Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: November 21, 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:

**Minimum Landscape buffer**

- concerns of privacy and maintaining a sufficient buffer between the abutting Cemetery and the Development
- the minimum required landscape buffer should be provided

**Access, Traffic and Intersection Improvements**

- the Development should include improvements to the intersection of Toronto RV Road and Highway 27
- concerns that the Development may compromise the existing accesses to the abutting Queen of Heaven Catholic Cemetery

These comments are addressed throughout this report.

**Previous Reports/Authority**

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

Importanne Marketing Inc., Public Hearing Report  
[June 5, 2018 Committee of the Whole \(Public Hearing\) \(Item 1, Report 22\)](#)

## **Analysis and Options**

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

### **Provincial Policy Statement, 2020 ('PPS')**

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)]; 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)]; and facilitating the conditions for economic investment including seeking to address potential barriers to investment [1.3.1 c)].

The Applications propose to maintain the existing “Prestige Employment” land use designation in Vaughan Official Plan 2010 ('VOP 2010') and, following the realignment of Toronto RV Road, the consolidated parcel of land will facilitate an industrial development on the Subject Lands. 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 (the 'Growth Plan')**

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 Applications implement the “Prestige Employment” land use designation in VOP 2010 and will facilitate a more comprehensive industrial development, through the consolidation of development parcels and the realignment of Toronto RV Road, in an appropriate location for such uses. The Applications conform to the Growth Plan.

### **York Region Official Plan 2010 ('YROP 2010') and York Region Official Plan 2022 ('YROP 2022')**

The YROP 2010 designates the Subject Lands “Urban Area”, which permits a wide range of residential, commercial, industrial, and institutional uses. To encourage and accommodate economic activities, section 4.1.5 states that local municipalities, in

working with York Region, create a business-friendly environment that includes a diverse range, size and mix of available employment lands.

The YROP 2022 designates the Subject Lands “Urban Area” on Map 1 – “Regional Structure” and “Community Area” on Map 1A – “Land Use Designations”. Section 4.2.1 states that “Community Areas” are where the majority of residents, personal services, retail, arts, culture, recreational facilities and human services needs will be located, and that employment opportunities are also encouraged.

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; however, the Development conforms to YROP 2022 as outlined above.

The Development, which conforms to YROP 2010 and YROP 2022, provides for a compatible industrial development with the surrounding land uses, and a more efficient use of lands to facilitate the Development.

***Amendments to VOP 2010 are required to permit the Development.***

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:

- “Natural Areas and Countryside” and “Employment Areas” on Schedule 1 – “Urban Structure” of VOP 2010
- “Prestige Employment” on Schedule 13 – Land Use of VOP 2010
- Area subject to site-specific plan 13.3 on Schedule 14c – Areas Subject to Site Specific Plans of VOP 2010

The Subject Lands are located within the “Prestige Employment” designation, which permits industrial uses including manufacturing, warehousing (but not a retail warehouse), processing, and distribution uses located within wholly enclosed buildings, with no outside storage permitted.

The Owner submitted Official Plan Amendment File OP.17.016 to facilitate the Development. The Application proposes to redesignate a portion of the lands from “Natural Areas and Countryside” to “Employment Areas” and delete site-specific policy 13.13 in its entirety.

The Development Planning Department can support the proposed amendments for the following reasons:

- The “Employment Areas” designation is consistent with and appropriate for the “Prestige Employment” land use designation for the Subject Lands on Schedule 13;
- There are no natural features present on the Subject Lands, and the Environmental Planning division of the Policy Planning and Special Program Department and the Toronto and Region Conservation Authority (‘TRCA’) have advised that they have no comments or objections to the Applications.
- The site-specific plan 13.13 establishes development criteria for a previous development proposal that is no longer contemplated on the Subject Lands;
- The road improvements required by site-specific plan 13.13 will be facilitated through the site development application and required development agreement and therefore the section in its entirety is no longer required; and
- The Development conforms to the Prestige Employment land use designation policies, and no site-specific amendments are required.

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

***Zoning:***

- “OS2 Zone subject to site-specific exception 14.1101 and “EM1 Zone by Zoning By-law 001-2021
- The OS2 Zone does not permit the Development
- The Owner proposes to rezone the Subject Lands to “EM1(H)” together with the site-specific zoning exceptions in Attachment 7 to permit the Development.

The Development Planning Department can support the zoning exceptions identified in Attachment 7 on a site-specific basis for the following reasons:

- The Development is consistent with the policies of the PPS and conforms to the Growth Plan, YROP 2010 and YROP 2022.
- The site-specific development standards will enable the development of employment uses on the Subject Lands with an appropriate size and form for the employment area.
- The realignment of Toronto RV Road will include upgrades to its intersection with Highway 27 and will not compromise access to a public road for surrounding properties.
- An enhanced and heavily planted buffer is proposed along the west rear lot line, abutting the existing cemetery, where the reduced landscape buffer width is proposed.

Minor modifications may be made to the zoning exceptions identified in Attachment 7 prior to the enactment of an implementing Zoning By-law, as required, should the Applications 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.

***The Development is required to achieve the minimum Sustainability Threshold Score through the Site Development Application.***

The Development does not achieve the minimum overall Sustainability Performance Metrics (SPM) score. The Owner shall achieve the minimum threshold SPM score prior to the execution of the Site Plan Agreement.

**Financial Impact**

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

**Operational Impact**

***The Development Engineering (‘DE’) Department supports the Development, subject to conditions.***

The DE Department has provided the following comments:

**Municipal Servicing – Water**

The Subject Lands are situated within a Pressure District (PD5) of the York Water Supply System. There exists one watermain on Toronto RV Road connected to the PD5 system. The Subject Lands are proposed to be serviced by a new water service connection to the proposed watermain along the realigned Toronto RV Road. The proposed service connection is sufficient to provide adequate pressures and flows for domestic and firefighting purposes.

DE requires the Owner to address outstanding comments and conditions through the Site Development Application to support a complete approval of the proposed water servicing strategy.

### Municipal Servicing – Sanitary

Based on an investigation conducted by the Owner's engineering consultant, as identified in the Functional Servicing and Stormwater Management Report by Design Works Engineering, dated October 13, 2023, there are no local sanitary sewers located within the right-of-way ('ROW') of Toronto RV Road. The closest sanitary manhole is located north of the Subject Land in the ROW of Toronto R.V. Road, servicing the existing Cemetery lands and the existing properties on the east side Regional Road 27.

The sanitary sewer flows north towards the Regional sanitary main south of Royal Croup Crescent. The Owner proposes to extend the sanitary sewer north of the Development and along the proposed Toronto RV Road to service the Development. As per the City's criteria, a sanitary connection will be installed to discharge sanitary flow to the proposed sanitary sewer along the realigned Toronto RV Road. A sanitary control manhole will be installed on the northeast corner of the Subject Lands as the proposed service connection will be servicing more than one unit.

The DE Department requires the Owner to address outstanding comments and conditions through the Site Development Application to support a complete approval of the proposed sanitary servicing strategy.

### Municipal Servicing – Stormwater

The Development would mitigate storm flow by collecting stormwater through catchbasins that will be discharged to the 450mm diameter culvert located at the southeast corner of the Subject Lands. Stormwater from the Development will drain to the underground storage tank via on-site catch basins and storm sewers. The tank will then drain to a private pump station required to pump out stormwater through an Oil Grit Separator to the proposed City drainage system under the realigned Toronto RV Road.

As per City's standard, employing a pump to discharge the entire site is not an approach supported by the City. Instead, the DE Department requests that stormwater be collected and discharged through gravity-driven methods from the Subject Lands. Additionally, the Owner has indicated that the Development does not meet the City's requirements for stormwater quality control. Additional measures must be taken to meet city standards for stormwater management on site, and the final stormwater management design will be reviewed and approved through the Site Development Application.

DE requires the Owner to address outstanding comments and conditions through the Site Development Application to support a complete approval of the proposed SWM strategy.



### Noise Impact Study

The Owner submitted a Noise Study by YCA Engineering Limited, dated June 2023, to investigate the potential environmental noise impact on the Subject Lands from road traffic and surrounding land uses. The Noise Study recommends upgraded building central air conditioning, and noise warning clauses to be included in all Offers of Purchase and Sale or Lease and registered on title to make future occupants aware of potential noise situations.

DE requires the Owner to address outstanding comments and conditions through the Site Development Application to support an approval of the proposed noise mitigation strategy.

### Environmental Engineering

The Owner has submitted a Phase One Environmental Site Assessment ('ESA') Report by Bruce A. Brown Associates Limited, dated July 29, 2021, which has been reviewed to the satisfaction of the Environmental Engineering Division. The ESA report indicates that two out-of-service underground storage tanks ('UST's) were discovered during construction activities at the Subject Lands, requiring UST removals and remediation of soil and groundwater to meet the applicable Standards set out in the Ministry of the Environment, Conservation, and Parks ('MECP') document "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" (as amended).

The Owner is required to submit a complete copy of the Record of Site Condition (RSC) filed on the Environmental Site Registry including the acknowledgement letter from the MECP, covering all the lands within the Development, prior to the lands being conveyed to the City.

### Transportation Engineering

A Traffic Impact Study ('TIS') by GHD, dated June 28, 2023, was submitted in support of the Applications for the Development. Access to the Development is proposed via three full-move driveways on the proposed re-aligned Toronto RV Road. The TIS concludes that traffic volumes generated by the Development represent a small component of total traffic passing through the intersection during the peak hours and that the proposed driveways are expected to operate with an excellent level of service safely and efficiently for motorists, pedestrians and bicycle connectivity.

DE concurs with the conclusions of the TIS; however, the study also requires review and approval by the Region of York and the Ministry of Transportation.

DE has no objection to the realignment of Toronto R.V. Road to facilitate the Development. The existing rural cross section will be upgraded to an urbanized cross section, and therefore improve the service level to a local road including waste and snow removal, while facilitating the development of the Subject Lands.

The Owner will be required to construct the road in the ultimate condition consistent with the City's Design Criteria and convey the land to the City free of all cost and encumbrances, all to the satisfaction of the City. A Holding Symbol condition to this effect is included in the recommendations section of this Report.

***Cash-in-Lieu of the dedication of parkland is required.***

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 Operations Division of the Parks, Forestry and Horticulture Operations Department has no objection to the Applications.***

The Forestry Operations Division has advised that they have no objections to the approval of the Applications and that a Private Property Tree Removal & Protection Permit, tree protection fencing/hoarding, and two replacement trees to satisfy tree compensation requirements are required in accordance with City By-law 052-2018.

***Other internal City departments, external agencies and various utilities have no objection to the Development.***

The Development Finance, Parks Infrastructure Planning and Development Department, Policy Planning and Special Programs, Waste Management division of Environmental Services, Alectra Utilities, Bell, Canada Post, and Enbridge have no objections to the Development, and outstanding comments will be addressed through the Site Development Application.

The By-law & Compliance, Licensing & Permit Services, Emergency Planning and Fire & Rescue Services, Hydro One Networks Inc., and Rogers have no objections to the Development.

## **Broader Regional Impacts/Considerations**

### ***Regional Municipality of York***

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 April 20, 2022, exempted the Official Plan Amendment Application from approval by the Regional Committee of the Whole and Council.

York Region has no comments with respect to Zoning By-law Amendment File Z.17.046 and has provided technical comments to be addressed through the Site Development Application.

### ***The Ministry of Transportation ('MTO') has no objection to the approval of the Applications.***

MTO has no objections to the Applications and has advised that the Toronto RV Road realignment must maintain the two existing access to the cemetery. The Subject Lands are within the MTO permit control area and an MTO permit will be required.

### ***TRCA has no objection to the Applications.***

TRCA has advised that they have no interests or concerns with the Applications.

## **Conclusion**

The Development Planning Department is satisfied the Applications are consistent with the PPS, conform with the Growth Plan, YROP 2010, YROP 2022 and VOP 2010, and are 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.

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

## **Attachments**

1. Context and Location Map
2. Site Plan and Proposed Zoning
3. Landscape Plan
4. Building 'A' Elevations
5. Building 'B' Elevations
6. Overall Building Perspective Rendering
7. Zoning By-law 001-2021 Table 1

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