

Committee of the Whole (1) Report

DATE: Tuesday, April 5, 2022

WARD: 1

TITLE: 2506937 ONTARIO INC.

SITE DEVELOPMENT FILE DA.21.003

12368 AND 12370 KEELE STREET

VICINITY OF KEELE STREET AND KING VAUGHAN ROAD

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.21.003 for the subject lands shown on Attachment 2. The Owner proposes to construct a two-storey multi-unit industrial building with 10 units, accessory office and 66 parking spaces, as shown on Attachments 2 to 5.

Report Highlights

- The Owner proposes to construct a two-storey multi-unit industrial building with 10 units, accessory office and 66 parking spaces.
- The existing zoning for the subject lands permits the use.
- The Development Planning Department supports the development, subject to the Recommendations of this report, as it is consistent with the Provincial Policy Statement 2020, conforms to the Growth Plan 2020, as amended, conforms to the Oak Ridges Moraine Conservation Plan, the York Region Official Plan 2010 and Vaughan Official Plan 2010, and is compatible with the existing and planned land uses in the surrounding area.

Recommendation

1. THAT Site Development File DA.21.003 (2506937 Ontario Inc.) BE DRAFT APPROVED SUBJECT TO CONDITIONS of Site Plan Approval included on Attachment 1, to the satisfaction of the Development Planning Department, to permit a two-storey multi-unit industrial building with 10 units, accessory office and 66 parking spaces as shown on Attachments 3 to 5.

Background

The subject lands (the 'Subject Lands') shown on Attachment 2, are located on the west side of Keele street, north of King Vaughan Road and are municipally known as 12368 and 12370 Keele Street. The Subject Lands are currently occupied by a single-detached dwelling.

A Site Development Application has been submitted to permit the Development 2506937 Ontario Inc. (the 'Owner') has submitted Site Development File DA.21.003 (the 'Application') on the Subject Lands to permit a two-storey multi-unit industrial building with 10 units, accessory office and 66 parking spaces (the 'Development') as shown on Attachments 3 to 5. The Development would have a total gross floor area of 2,412 m², including 860 m² of accessory office space. In addition, 66 parking spaces will be provided for at-grade and vehicular access would be provided from Keele Street.

Previous Reports/Authority

Not applicable.

Analysis and Options

The Development is consistent with the Provincial Policy Statement, 2020

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the Provincial Policy Statement 2020 (the 'PPS'). The PPS provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities, the wise use and management of resources, and protecting public health and safety.

The Development is consistent with Section 1.1.4.1 f) which promotes diversification of the economic base and employment opportunities in Rural Areas through goods and services, including value-added products and the sustainable management or use of resources. The Development is also consistent with 1.1.6.4 which states that private individual on-site sewage and water services may be used on sites where municipal or private communal services are not available, provided they such services do not provide a negative impact.

The Subject Lands are located within a "Rural Area," as defined by the PPS and are zoned "M1 Restricted Industrial" by Zoning By-law 1-88. The proposed industrial building with accessory office space supports the diversification of the economic base within the Rural Area by creating employment opportunities through the delivery of goods and services of future tenants of the Development. The Subject Lands are not municipally serviced as they are located outside of the City of Vaughan's Official Plan 2010 ('VOP 2010') Urban Boundary (Schedule 1 – Urban Structure). The Owner has proposed private on-site sewage and water services. The City of Vaughan Development Engineering Department has reviewed the proposed private system and has no objections in principle. The final review and design of the private system will be

reviewed by Building Standards Department during the Building Permit application process, if the Application is approved.

The Development conforms to A Place to Grow - Growth Plan for the Greater Golden Horseshoe 2020, as amended

The Provincial Growth Plan: A Place to Grow - Growth Plan for the Greater Golden Horseshoe 2020, as amended ('Growth Plan') is intended to guide decisions on a range of issues, including economic development, land use planning, urban form and housing. The Growth Plan provides a framework for managing growth, including directions for where and how to grow; the provision of infrastructure to support growth; protecting natural systems and cultivating a culture of conservation. Council's planning decisions are required by the *Planning Act* to conform, or not conflict with the Growth Plan.

Section 2.2.1 of the Growth Plan states that forecasted employment and population growth will be limited to settlement areas, which also include rural settlement areas. Section 2.2.5.1 states that municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlements to serve the needs of rural residents and areas businesses.

The Growth Plan defines a rural settlement area as being, in part, within the Countryside Area of the Oak Ridges Moraine Conservation Plan, which applies to Subject Lands. The variety economic opportunities within the rural settlement will be increased through the Development.

The Development conforms to the Oak Ridges Moraine Conservation Plan

The Subject Lands are designated as "Countryside" within the Oak Ridges Moraine Conservation Plan ('ORMCP'). The Development is classified as "Major Development" as per the ORMCP definitions as the building is larger than 500 m². Section 17 of the ORMCP states that nothing in the Plan applies to prevent the use or the erection or location of a building or structure within a Countryside Area if, the use, erection and location would have been permitted by the applicable zoning on November 15, 2001. When the ORMCP came into effect in 2001, municipalities across Ontario were required to update their Official Plans and Zoning by-laws to conform with the ORMCP. At the time, it was determined by the Minister that the Subject Lands satisfied the provisions of 17(1) of the ORMCP, allowing the "M1 Restricted Industrial Zone" to continue to apply to the Subject Lands. Therefore, the Subject Lands continue to be zoned "M1 Restricted Industrial Zone" which permits industrial uses, thereby facilitating the Development.

Section 17 states the use must still comply with all applicable sections of the ORMCP relating to, natural heritage features, hydrologic features, wellhead protection areas, high aquifer vulnerability, connectivity, stormwater management, sewage and water services. Section 17 also applies for "Major Developments" as defined by the ORMCP. The Owner submitted all the necessary reports to ensure compliance with the above. The Owner has also submitted an Oak Ridges Moraine Conformity Report ('ORMCR'), dated August 2021, revised February 2, 2022, prepared by Beacon Environmental Limited and Fausto Cortese Architects. The ORMCR has been reviewed to the

satisfaction of the Toronto and Region Conservation Authority ('TRCA') and the Policy Planning and Special Programs ('PPSP') Department of the City of Vaughan and PPSP has no objections to the Development as it satisfies all the applicable sections stated in Section 17. Therefore, the Development conforms to the ORMCP.

The Development conforms to the York Region Official Plan, 2010

The York Region Official Plan, 2010 ('YROP') provides guidance on economic, environmental and community building decision making across York Region, and describes how York Region will accommodate future growth and development while meeting the needs of existing residents and businesses.

The Subject Lands are identified as "Countryside" within the Oak Ridges Moraine on Map 1: Regional Structure of the YROP. The Countryside designation in the YROP is generally consistent with the uses permitted in the ORMCP including agricultural uses, recreational uses, small scale industrial, commercial, industrial uses, etc. Section 6.2.14 of the YROP states that applications for major development are required to meet to provisions of the ORMCP. Section 8.4.15 further states that legally existing uses that conform with the in-force local official plans, zoning by-laws and ministerial zoning orders are permitted to continue to the extent provided for in the local official plans and zoning by-laws and ministerial zoning orders.

The Owner has demonstrated that the Development meets the provisions for Major Development in accordance with the ORMCP as discussed in the ORMCR. The Development is also permitted as-of-right in the "M1- Restricted Industrial Zone" of Zoning By-1-88, which has been in force since 1988. Therefore, the Development conforms to the YROP.

The Development does not conform to VOP 2010, however, the Development is permitted as-of-right by Zoning By-law 1-88

The Subject Lands are located in "Natural Areas and Countryside" and outside of the "Urban Boundary" as identified on Schedule 1 – Urban Structure of VOP 2010, Volume 1 and are designated "Oak Ridges Moraine Countryside" by Schedule 13 – Land Use of VOP 2010. The "Oak Ridges Moraine Countryside" designation permits a range of rural land uses such as agriculture, recreation, mineral aggregate operations, parks, and open spaces. An industrial building is not permitted in the "Oak Ridges Moraine Countryside" designation, however the industrial building is permitted as-of-right in Zoning By-law 1-88. In addition, the Owner has demonstrated conformity of the ORMCP as stated in the ORMCP Section of this report.

The Development complies with Zoning By-law 1-88

The Subject Lands are zoned "M1 – Restricted Industrial Zone" by Zoning By-law 1-88, as shown on Attachment 2. The "M1-Restricted Industrial Zone" permits the proposed industrial building and complies with the requirements of Zoning By-Law 1-88.

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

On October 20, 2021, Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law ("By-law 1-21"). A notice of the passing was circulated on October 25, 2021 in accordance with the Planning Act. The last date for filing an appeal to the OLT in respect of By-law 1-21 was November 15, 2021. By-law 1-21 is currently under appeal and, when in force, will replace Zoning By-law 1-88, as amended. Until such time as By-law 1-21 is in force, the Owner will be required to demonstrate conformity with both By-law 1-21 and Zoning By-law 1-88, as amended, unless a transition provision under By-law 1-21 applies.

The Development Planning Department supports the Development, subject to the Conditions of Approval

Site Plan

The Site Plan shown on Attachment 3, includes a 2-storey 2,412 m² industrial building, consisting of 10 units. Each unit includes warehousing at the rear of the unit, accessory office at the front of the unit, and a mezzanine. The Subject Lands are currently occupied by two legal non-conforming single-detached dwellings and are adjacent to a railway at the rear, as shown on Attachment 2 and 3. The main access to the Development would be from a driveway off Keele Street leading to 66 parking spaces located around the perimeter of the building.

Landscape Plan

The Landscape Plan shown on Attachment 4, includes a mix of vegetation including coniferous and deciduous trees, shrubs and sod. The Development also includes a concrete sidewalk on the north side of the building, west side of the building, and a portion of the east of the building. A 1.8 m high privacy fence will also be installed along the perimeter of the property, including an additional 2.3 m high security fence along the western property line abutting the Metrolinx railway at the rear.

Building Elevations

The proposed building elevations shown on Attachment 5, contain a mix of precast concrete panels, contrasting with aluminum panels and wood panel feature walls.

The Development Planning Department is satisfied with the Development shown on Attachments 2 to 5. The final site plan, building elevations, landscape plan, landscape cost estimate, signage details and lighting plan must be approved by the Development Planning Department prior to the execution of the Site Plan Letter of Undertaking. A condition to this effect is included in Attachment 1 of this report.

Cultural Heritage

The Subject Lands do not lie in an area of archaeological potential but is located adjacent to an active archaeological site. Therefore, consideration of archaeological potential shall be maintained throughout construction. As such, the standard archaeological clauses shall be included in the Site Plan Letter of Undertaking as indicated in Attachment 1.

Sustainability Performance Metrics

The Owner submitted a complete Sustainability Scoring Tool and Summary Letter ('Sustainability Metrics Package') in support of the Development. The Development achieves the Silver Sustainability Threshold Score with an Overall Application Score of 37 and an Overall Community Score of 40 points, exceeding the City's minimum standard of 31 points.

The PPSP Department has no objection to the Development, subject to the Conditions of Approval

The Subject Lands are located within the Natural Heritage Network as "Unapproved Core Feature" as identified on Schedule 2 – Natural Heritage Network of VOP 2010. The Owner submitted a Natural Heritage Evaluation (the 'NHE') report prepared by Beacon Environmental Limited dated August 2021. The NHE report concludes there are no key natural heritage features or key hydrological features on the Subject Lands. In order to mitigate any potential impacts of the proposed development, measures such as a Tree Preservation Plan, low impact development techniques and an Erosion Settlement Control plan have been implemented to protect the adjacent natural features and the ecological features. Environmental Planning staff of the PPSP Department have reviewed the NHE report and concur with the findings.

It is noted that, all applications, regardless of their location, are required to abide by the Endangered Species Act (2007) regulated by the Ministry of Natural Resources and Forestry ('MNRF'). The Owner is advised that they complete an information request form and submit it to the MNRF for confirmation of any potential Species at Risk on the Subject Lands. A condition to this effect is included in Attachment 1.

The Forestry Operations Division of the Parks, Forestry and Horticulture Operations Department has no objection to the Development, subject to the Conditions of Approval

The Forestry Operations Division has reviewed the Arborist Report and a Tree Inventory and Preservation Plan prepared by the Urban Arborist Inc. dated August 25, 2020, revised September 20, 2021 and January 17, 2022, which identifies the number, species, condition, and size (diameter) of the existing private trees proposed to be preserved or removed from the Subject Lands.

A total of 41 private trees are requested for removal to accommodate the Development. In accordance with the City's Tree Protection By-law 052-2018 and Tree Protection Protocol, compensation for 49 trees is required. A Private Property Tree Removal and Protection Permit will be required, and Tree Protection Fencing is to be installed and inspected prior to any site work to minimize the impact on the trees to be preserved.

The Forestry Operations Division of the Parks, Forestry and Horticulture Operations Department has no objection to the Development subject to the Owner submitting a final planting plan, obtaining the required Tree Removal Permit and informing the Forestry Operations Division once tree protection measures have been installed for inspection

and approval according to City specifications. A condition to this effect is included in Attachment 1.

A Tree Protection Agreement is required, subject to the Conditions of Approval

The Owner shall enter into a Tree Protection Agreement with the City prior to finalizing the Site Plan Letter of Undertaking in accordance with the City's Tree Protection By-law 052-2018 and Tree Protection Protocol. The Owner shall not remove any trees without written approval by the City. A condition to this effect is included in Attachment 1 of this report.

The Development Engineering Department supports the Development, subject to the Conditions of Approval

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

Sanitary Servicing

The Subject Lands are not serviced by municipal sanitary connections at this time. Sanitary servicing for the Subject Lands is proposed via a private sanitary septic tank system. The review and design of the proposed sanitary septic system will be completed by the City of Vaughan Building Standards Department, at the permit stage, should the Application be approved.

Water Supply

The Subject Lands are not serviced by any municipal watermain at this time. Water distribution for the Subject Lands is proposed via a new private drilled well. The review of the private well and the proposed water system will be completed by the City of Vaughan Building Standards Department at the permit stage, should the Application be approved.

Stormwater Management

The Development will not drain into municipal infrastructure. The Subject Lands will manage stormwater via internal storm sewers, catch basins and maintenance holes and will drain to a stormwater control maintenance hole with a 75 mm orifice discharging. A storm detention chamber, infiltration gallery and stormwater quality treatment unit are proposed for the Development to satisfy stormwater quantity and quality requirements for the Subject Lands.

The DE Department is generally satisfied that the proposed stormwater outflow can be adequately accommodated by the measures identified. However, since the Subject Lands are also within the TRCA regulated area, the DE Department advises that the final stormwater quantity and controls shall be to the satisfaction of the TRCA. A condition to this effect is included in Attachment 1.

Lot Grading and Erosion and Sediment Control

The DE Department has no objections to the proposed grading and erosion and sediment control plan, subject to the Owner addressing final comments. A condition to this effect is included in Attachment 1.

Environmental Engineering

The Environmental Engineering division of the DE Department has reviewed the following documentation:

- Site Screening Questionnaire and Environmental Certification.
- Davroc Testing Laboratories Inc. report titled “Phase I Environmental Site Assessment”, 12368-12370 Keele Street, Vaughan Ontario, dated November 6, 2018.
- Davroc Testing Laboratories Inc. report titled “Phase II Environmental Site Assessment”, 12368-12370 Keele Street, Vaughan Ontario, dated January 9, 2020.
- Davroc Testing Laboratories Inc. report titled “Phase II Environmental Site Delineation”, 12368-12370 Keele Street, Vaughan Ontario, dated March 30, 2020.
- Davroc Testing Laboratories Inc. report titled “Remediation”, 12368-12370 Keele Street, Vaughan Ontario, dated September 17, 2020.
- Intrinsik Corp. report titled “Due Diligence Risk Assessment” 12368 Keele Street, Vaughan, Ontario, dated February 8, 2022.

The findings of the Phase One and Phase Two Environmental Site Assessments has identified impacts for petroleum hydrocarbon compounds in groundwater and soil. A remediation program was undertaken between June and July of 2020, whereby impacted groundwater and soils were removed off-site. As a result, the DE Department required a Risk Evaluation Report to be prepared to assess the potential adverse effects to the human and ecological receptors on the Subject Lands.

The Owner submitted a Due Diligence Risk Assessment dated February 8, 2022, which states that no unacceptable risks were anticipated on human, terrestrial or aquatic ecological receptors and no risk management measures were considered necessary to mitigate risks to human health on the site. The DE Department concurs with the findings and has no further comments.

Noise Assessment

The Owner submitted a Noise Feasibility Study prepared by Howe Gastmeier Capnik Limited, dated July 21, 2020, and revised September 20, 2021. The Noise Feasibility Study determined that the noise impact from the Development complies with the criteria set out by the Ministry of the Environment, Conservation and Parks. The DE Department has reviewed the findings of the Noise Feasibility Study and is satisfied.

Transportation

The Transportation Division of the DE Department advise that the proposed parking of 66 spaces for the Development is adequate as it meets the requirements of Zoning By-Law 1-88. The Owner is required to address all outstanding comments relating to Traffic Demand Management to the satisfaction of DE Department. A condition to this effect is included in Attachment 1 of this report.

Cash-in-Lieu of the dedication of parkland is required for the Development

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, prior to issuance of a Building permit, in accordance with Section 42 of the *Planning Act*. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Infrastructure Development Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment. Standard conditions to this effect are included in Attachment 1.

The Parks Development Department has no objection to the Development

The Parks Development Department has advised there are no parks concerns respecting the Subject Lands.

The Fire and Rescue Services Department have no objection to the Development

The Fire and Rescue Services Department have no objection to the Development. Adequate provisions for fire safety and protection must be provided in accordance with the *Ontario Building Code*.

Development Charges are applicable to the Development

The Owner shall pay to the City applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board.

The TRCA has no objection to the Application

The Subject Lands are located within the WHPA-Q2 area which required the submission of a site-specific water balance assessment. The Stormwater Management Report, prepared by EMC Group Limited dated August 6, 2020, revised September 22, 2021, included water balance assessment information. TRCA staff have reviewed the Stormwater Management Report, including the water balance component, and are satisfied with the analysis and mitigation strategy proposed. As such, it is the opinion of TRCA staff that the proposed Development meets the intent of the policies of the Source Protection Plan. The TRCA has no objection to the Development.

The various utilities have no objection to the Development, subject to the Conditions of Approval

Bell Canada, Alectra Utilities Corporation, Hydro One, and Enbridge Gas Inc. have no objections to the Development, subject to the Owner coordinating servicing connections and easements prior to the commencement of any site works. A condition to this effect is included in Attachment 1 of this report. Rogers Communications also has no objection to the proposed Development.

Canada Post has no objection to the Development, subject to the Conditions of Approval

Canada Post Corporation has reviewed the Development and has determined that the completed project will be serviced by centralized mail delivery provided through Canada Post Community Mailboxes. The Owner should contact Canada Post during the design stage of the Development to determine a suitable permanent location for the placement

of the Community Mailboxes. Canada Post has no objection to the Development, subject to their conditions included in Attachment 1.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region

The Application was circulated to York Region Community Planning and Development Services Department for review and comment. A total of 5 York Region trees are proposed to be removed within the Keele Street right-of-way, therefore tree compensation is required. The final landscape plan, details, tree inventory, preservation and removals plan and Arborist Report must be to the satisfaction of York Region. Prior to execution of the Site Plan Letter of Undertaking, all the requirements of York Region must be satisfied. A condition to this effect is included in Attachment 1.

Metrolinx

The Subject Lands are located adjacent to the Barrie GO Rail Line operated by Metrolinx. In accordance with safety requirements provided by Metrolinx, a minimum setback of 15 m is required from the rail line to the closest exterior building wall. In addition, Metrolinx also requires a 2.43 m high security fence and a 3.5 m vegetation clearance zone along a property line that abuts a rail corridor. The Owner has implemented these design features into the Development, to the satisfaction of Metrolinx, as shown in Attachment 3. Prior the execution of the LOU the Owner must satisfy the requirements of Metrolinx. A condition to this effect is included in Attachment 1.

Township of King City

The Applications were circulated to King City as the Development is located adjacent to the King City boundary. The Application was reviewed by the King City Planning Department, and they have no objection to the Development, subject to confirmation that the water demand for the Development is not anticipated to impact the other residential private wells within the nearby Township of King boundary. A condition to this effect is included in Attachment 1.

Conclusion

Site Development File DA.21.003 has been reviewed in consideration of the applicable Provincial Policies including the ORMCP, the policies of YROP and VOP 2010, the requirements of Zoning By-laws 1-88 and the surrounding area context. The Development shown on Attachments 3 to 5 is consistent with Provincial Policy and conforms to the YROP and VOP 2010. The Development Planning Department is satisfied that the Development is a permitted use by Zoning By-law 1-88 and appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of Site Development File DA.21.003, subject to the Recommendation of this report and the Conditions of Site Plan Approval in Attachment 1.

For more information, please contact Daniela DeGasperis, Planner, Development Planning Department, extension 8382.

Attachments

1. Conditions of Site Plan Approval.
2. Context and Location Map.
3. Site Plan.
4. Landscape Plan.
5. Building Elevations.

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