

# Committee of the Whole (1) Report

---

**DATE:** Tuesday, May 7, 2024

**WARD:** 1

**TITLE: TEMPORARY USE BY-LAW APPLICATION FILE Z.22.025: 141  
MALOY 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 Committee of the Whole for a Temporary Use By-law application (File Z.22.025) to permit the outside storage of up to 817 motor vehicles including the inspection and preparation of new vehicles, for a period of three (3) years as shown on Attachments 1 and 2.

**Report Highlights**

- A Temporary Use By-law application is received to permit outside storage of up to 817 motor vehicles including the inspection and preparation of new vehicles for three (3) years.
- The Subject Lands are located within the Oak Ridges Moraine Conservation Plan area.
- Staff supports the approval of the Temporary Use By-law for three (3) years.

**Recommendations**

1. THAT Temporary Use By-law application (File Z.22.025) by 2609134 Ontario Inc. BE APPROVED, to permit the outside storage of up to 817 motor vehicles including the inspection and preparation of new vehicles, for a period of three (3) years;

2. THAT, prior to the passing of the Temporary Use By-law, the Owner shall submit a Baseline Phase Two Environmental Site Assessment (ESA) Reports, at the cost of the Owner, for the Subject Lands to be reviewed and approved by City staff; and,
3. THAT, prior to the passing of the Temporary Use By-law, the Owner shall enter into an agreement with City of Vaughan including remitting a Letter of Credit in the amount of \$500,000.00; the terms upon which the City may draw on the Letter of Credit, should the Owner fail to reinstate the lands to its original state when the approval lapses; and a permission to enter the premises for City staff to conduct inspections.

### **Background**

The subject lands, known as 141 Maloy Street (the 'Subject Lands'), and the surrounding land uses are shown on Attachment 1.

Official Plan and Zoning By-law Amendment applications (Files OP.21.003 and Z.21.005) were previously submitted for the subject lands in 2021, to permit outside storage of up to 817 cars including the inspection and preparation of new vehicles on a permanent basis. The applications were circulated, and preliminary comments were received from several departments and agencies. The Owner withdrew the applications and submitted an application for a Temporary Use By-law (File Z.22.025) for the subject lands for the same use for a period of three (3) years (the Proposal), as shown on Attachment 2, together with the site-specific exceptions identified in Table 1 of Attachment 3.

Public Notice of the Temporary Use By-law application was provided on August 18, 2022, circulated 150 m from the Subject Lands as shown on Attachment 1. A notice sign has been provided at Maloy Street and Keele Street intersection. A statutory Public Meeting was held on September 13, 2022, and ratified by Council at its meeting on September 28, 2022. A courtesy notice about this Committee of the Whole meeting was sent on April 30, 2024, to those requested to be notified.

Staff received comments from the public concerning the Proposal will create a large amount of fumes and dust in the area which will impact the living condition of the residential properties surrounding the Subject Lands, and that the Proposal will cause negative environmental impacts to the Oak Ridges Moraine.

### **Previous Reports/Authority**

A previous report related to the application can be found at the following links:  
[September 13, 2022, Committee of the Whole \(Public Meeting\) Meeting \(Item 3, Report 33\)](#)

## **Analysis and Options**

### ***The Proposal is allowed under the Planning Act.***

The *Planning Act* is provincial legislation that sets out the ground rules for land use planning in Ontario. It describes how land uses may be controlled, and who may control them.

Section 39(1) of the *Planning Act* allows Council to pass a by-law authorizing “the temporary use of land, buildings or structures for any purpose set out therein that is otherwise **prohibited** (*emphasis place by staff*) by” the City’s Zoning By-law.

Section 39(2) of the *Planning Act* further requires a Temporary Use by-law to “define the area to which it applies and specify the period of time for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the by-law”.

Under the *Planning Act*, municipalities are required to make local planning decisions; prepare planning documents, such as an official plan and zoning bylaws; and ensure planning decisions and planning documents are consistent with the Provincial Policy Statement and conform or do not conflict with provincial plans.

Staff is of the opinion that, as long as the City is allowed to apply its Official Plan policies and pass Zoning by-laws in a provincial plan area, it is allowed to pass a Temporary Use By-law in the same area.

### ***The Proposal is consistent with existing policies.***

The Proposal facilitates the storage of cars in the “Natural Linkage Area” of the Province’s Oak Ridges Moraine Conservation Plan (ORMCP). The applicant has been advised and understands that approval of a Temporary Use By-law is only valid to a maximum of three (3) years unless renewed by Council or rezoned to permit the uses on a permanent basis. Staff has made it clear to the applicant that a rezoning application for the proposed uses in the ORMCP area on a permanent basis cannot be supported, which might have played a role in the applicant’s decision to withdraw the earlier OPA and ZBA application (Files OP.21.003 and Z.21.005).

The applicant has been further advised and understands that, when an approval of a Temporary Use By-law lapses, the affected land, buildings or structures must be restored to their previous effective state. Staff takes this issue very seriously as it relates to the City’s duty to implement the ORMCP and ensure there will be no threat that may cause environmental damage to the Oak Ridges Moraine.

As the applicant has agreed to submit a Baseline Phase Two Environmental Site Assessment (ESA) Reports for the subject lands for the purpose of a future restoration and remit a Letter of Credit to the City in the amount of \$500,000.00 allowing the City to draw on it for restoration purpose in case the applicant fails to restore the lands to their previous effective state, staff are satisfied that the measures in place would be sufficient to prevent environmental damages from happening.

It is also worthwhile to note that parking of vehicles on the subject lands was established before 2001, when the ORMCP came into effect. The applicant proposes to utilize the existing building on site and no new construction will be required as part of this Proposal.

Staff notices that the proposed vehicle parking would help job creation and post-COVID economic recovery in the City of Vaughan, which is supported by the Growth Plan for the Greater Golden Horseshoe, 2019, to build compact, vibrant and complete communities, develop a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

Section 10.1.2.4 of City of Vaughan Official Plan (VOP 2010) speaks to Temporary Use By-laws as well, which provides the following conditions:

- a. is consistent with the general intent of this Plan;
- b. is compatible with adjacent land-uses;
- c. is temporary in nature and can be easily terminated when the temporary zoning by-law expires;
- d. sufficient servicing and transportation capacity exists for the temporary use; and
- e. maintains the long-term viability of the lands for the uses permitted in this Plan.

Staff are of the opinion that the proposed temporary use is generally consistent with the general intent of the City's Official Plan and compatible with adjacent land-uses. The proposal is temporary in nature and can be easily terminated when the Temporary Use By-law expires. Sufficient servicing capacity exists for the temporary uses and the long-term viability of the lands will be maintained.

There will be some minor modifications to be made to the zoning exceptions on a temporary basis as identified in Table 1 (Attachment 3) prior to the enactment of the Temporary Use By-law, should the Application be approved.

### ***Site Design***

The Proposal will utilize the existing access points into the site, therefore no construction on site is required as part of this Proposal.

### ***Traffic***

The Proposal is anticipated to generate an additional 6 outbound trips and 1 inbound trip in each peak hour and vehicle deliveries to automobile dealerships in Vaughan as identified in the Traffic Considerations Report, dated March 2022, as prepared by the BA Group.

The new total site trips are in the order of 17 two-way trips in each peak. All study area intersections, including the site driveways will continue to operate acceptably with the added site traffic.

### ***Development Engineering***

The Owner will remit the Letter of Credit to the City in the event there is the requirement for remediation.

### ***Forestry and Horticulture Operations***

Forestry and Horticulture Operations noted that a Private Property Tree Removal and Protection Permit (Construction/Infill) is required for the removal/injury to trees (over 20cm DBH) on the subject lands of any size and trees located within 6 meters of the subject property, as per By-Law 052-2018.

Based on Forestry's Replacement Tree Requirements a total of 12 trees must be compensated to satisfy the requirement of By-Law 052-2018. The Applicant will be required to provide compensation for the removal of the trees on the subject lands.

### ***Toronto and Region Conservation Authority***

The Toronto and Region Conservation Authority (TRCA) has identified that a portion of the subject property is located within its regulated area due to a Provincially Significant Wetland (PSW) feature that is located on adjacent lands to the south. As such and pursuant to Ontario Regulation 41/24, a TRCA permit is required for any development or site alteration within the TRCA regulated area on the site.

A portion of the subject property is located within the 120 metre area of influence but approximately 110 meters away from the edge of PSW with a road in between. As such, TRCA staff has determined that the proposed works will not negatively impact the adjacent wetland and its associated function.

### ***York Region***

York Region has determined the proposed Temporary Use By-law is a matter of local significance and therefore do not have any comments.

### ***No objection from other review agencies***

Canada Post, Alectra Utilities, and Rogers have no objection to the Proposal.

### **Financial Impact**

There is no financial impact directly associated with this report.

### **Conclusion**

Planning staff are satisfied with the Temporary Use By-law application and believe it is consistent with existing policies and appropriate for the subject lands and compatible with existing and planned surrounding land uses. The application is therefore recommended for approval subject to the requirements as suggested in this report.

**For more information**, please contact Mary Caputo, Senior Manager of Development Planning, at extension 8635.

### **Attachments**

1. Context and Location Map.
2. Site Plan and Proposed Zoning.
3. Zoning By-law 001-2021 Table 1.

### **Prepared by**

Mary Caputo, Senior Manager of Development Planning, ext. 8635.  
Nancy Tuckett, Director of Development Planning, ext. 8529.