

Committee of the Whole (1) Report

DATE: Tuesday, September 10, 2024

WARD: 2

TITLE: TOROMONT INDUSTRIES LTD.
ZONING BY-LAW AMENDMENT FILE Z.22.028
DRAFT PLAN OF SUBDIVISION FILE 19T-22V005
8939 HUNTINGTON ROAD
VICINITY OF HUNTINGTON ROAD 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 on applications to rezone the subject lands to permit employment uses and protect natural features to facilitate the creation of an employment subdivision as shown on Attachment 2.

Report Highlights

- The Owner proposes to rezone the subject lands to permit employment and open space uses and to facilitate a Draft Plan of Subdivision creating employment, open space, and road widening blocks.
- Zoning By-law Amendment and Draft Plan of Subdivision Applications are required to facilitate the employment subdivision.
- The Development Planning Department supports the proposal subject to conditions as outlined in this report.

Recommendations

1. THAT Zoning By-law Amendment File Z.22.028 (Toromont Industries Ltd.) BE APPROVED, to amend Zoning By-law 001-2021, to rezone the Subject Lands shown on Attachment 1, from “FD Future Development Zone” to “EM1 Prestige Employment Zone”, “EM2 General Employment Zone” and “EP Environmental

Protection Zone” in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 of this report.

2. THAT Draft Plan of Subdivision File 19T-22V005 (Toromont Industries Ltd.) as shown on Attachment 2 BE APPROVED, to permit an employment Draft Plan of Subdivision, subject to the Conditions of Draft Plan of Subdivision in Attachment 4; and
3. THAT Council’s approval of Draft Plan of Subdivision File No. 19T-22V005 (Toromont Industries Ltd.), subject to the conditions set out in Attachment 4, be for a period of three years from the date on which approval was given, and the approval shall lapse at the expiration of that time period.

Background

Location: 8939 Huntington Road (the ‘Subject Lands’). The Subject Lands and surrounding land uses are shown on Attachment 1.

Zoning By-law Amendment and Draft Plan of Subdivision Application have been submitted to permit the proposed development.

Toromont Industries Ltd. (the ‘Owner’) has submitted the following applications (the ‘Applications’) for the Subjects Lands to permit the creation of prestige employment, general employment, open space and road widening blocks (the ‘Development’) as shown on Attachment 2:

1. Zoning By-law Amendment File Z.22.028 to rezone the Subject Lands from “FD Future Development Zone” (‘FD Zone’) to “EM1 Prestige Employment Zone” (‘EM1 Zone’), “EM2 General Employment Zone” (‘EM2 Zone’), and “EP Environmental Protection Zone” (‘EP Zone’) in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1.
2. Draft Plan of Subdivision File 19T-22V005, as shown on Attachment 2, for a Draft Plan of Subdivision (the ‘Draft Plan’) consisting of the following:

Blocks	Land Use	Area (ha)
Block 1	Prestige Employment	2.56
Blocks 2 and 3	General Employment	14.22
Blocks 4-6 and 8-11	Open Space, Natural Heritage Network and Buffer Areas	6.85
Block 7	Road Widening	0.12
Total		23.75

The Owner is required to submit Site Development Applications to facilitate the future development of the Subject Lands, should the Applications be approved. In accordance with Bill 109, the approval of Site Development Applications has been delegated to the Deputy City Manager of Planning and Growth Management 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 as shown on Attachment 1): January 13, 2023*
- *Location of Notice Sign: Huntington Road*
- *Date of Public Meeting: February 7, 2023, date ratified by Council February 22, 2023*
- *Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: September 3, 2024*

No comments from the public were received related to the Applications.

Previous Reports/Authority

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

Block 59 Block Plan Committee of the Whole Report:

[June 16, 2020 Committee of the Whole Report \(Item 10, Report No. 25, adopted as amended by Vaughan Council on June 29, 2020\)](#)

Toromont Industries Ltd., Public Meeting Report

[February 7, 2023 Committee of the Whole \(Public Meeting\) \(Item 1, Report No. 8\)](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement and conforms to the Growth Plan, YROP 2010, YROP 2022, VOP 2010, and the Block Plan for the Block 59 Area.

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)]; and 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)].

Section 2.1 of the PPS sets out the policies for Natural Heritage, indicating that natural features and areas shall be protected for the long term (2.1.1) and that development and site alternation shall not be permitted in natural areas, including significant valleylands, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (2.1.5).

The Applications will implement the employment land use designation in Vaughan Official Plan 2010 ('VOP 2010') by permitting a variety of employment uses on the Subject Lands. The proposed Draft Plan will create large employment blocks that are suitable for a range of development formats, and economic activities. The Applications also protect the natural features on the Subject Lands by rezoning them to the EP Zone, and requiring these lands, and the associated buffers and compensation areas be dedicated to the City for their long-term protection. The Applications are 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 more efficient use of vacant and underutilized employment lands and increasing employment densities; and integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment. Additionally, Section 2.2.5.5 states that municipalities should designate and preserve lands within settlement areas located adjacent to or near major goods movement facilities and corridors, including major highway interchanges, as areas for manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities.

The Subject Lands are located within a settlement area, designated for employment uses, and are in proximity to two Highway 427 interchanges. The Applications will facilitate the creation of three large employment blocks permitting a variety of employment uses, including, but not limited to, manufacturing or processing, and warehousing and distribution facilities. The Applications conform to the Growth Plan.

York Region Official Plan 2022 ('YROP 2022')

York Region Council adopted the YROP 2022 in June 2022. YROP 2022 was approved, as modified, by the Minister of Municipal Affairs and Housing in November 2022, bringing it into full force and effect. Bill 150 (*Planning Statute Law Amendment Act, 2023*) and Bill 162 (*Get It Done Act, 2024*) later rescinded some of those modifications.

On June 6, 2024, Bill 185 (*Cutting Red Tape to Build More Homes Act, 2024*) ("Bill 185") received Royal Assent which includes amendments to the *Planning Act*. In accordance with the amendments to the *Planning Act* implemented through Bill 185, York region became a Region without planning responsibilities effective July 1, 2024.

Pursuant to subsection 70.13(2) of the *Planning Act*, YROP 2022 is deemed to constitute an official plan of the City in respect of any area in the City to which it applies and will remain in effect until the City revokes or amends it.

The YROP 2022 designates the Subject Lands "Urban Area" on Map 1 – "Regional Structure" and "Employment Area" on Map 2 – "Land Use Designations". The Subject Lands are also identified as containing part of the Regional Greenlands System.

Section 3.1.1 states that the Regional Greenlands System be protected, restored and enhanced and that development and site alteration within the vicinity of the System be controlled. Section 4.3 states that “Employment Areas” are strategic and vital to the Regional economy, are major drivers of economic activity in York Region and are to be maintained and protected to meet York Regions’ forecast and land need requirements and shall be appropriately designated for employment uses in local municipal official plans.

The Applications will facilitate the creation of employment blocks permitting a range of uses and in an area designated for employment land uses, while protecting and enhancing the Regional Greenlands System. The Applications conform to YROP 2022.

VOP 2010

The Subject Lands are identified as an “Employment Area” and “Natural Areas and Countryside” on Schedule 1 - Urban Structure, of VOP 2010. The Subject Lands are designated “Prestige Employment” (Block 1), “General Employment” (Blocks 2 and 3), and “Natural Areas” (Block 4) by VOP 2010, Volume 2, Section 11.9 – the West Vaughan Employment Area Secondary Plan (‘WVEASP’).

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

The “General Employment” designation permits a full range of industrial uses including manufacturing, warehousing (but not a retail warehouse), processing, transportation, distribution, any of which may or may not include outdoor storage.

The “Natural Areas” designation delineates the Natural Heritage Network in the City and Schedule 2 – Natural Heritage Network, identifies the “Natural Areas” designation for the Subject Lands as “Core Features”, and also identifies areas as “Unapproved” which are sites under consideration for Core Feature additions, deletions, or classification as an Enhancement Area.

Policy 2.2.2.4 of VOP 2010 states that public ownership of major open spaces and natural features within Natural Areas is preferred, and Council will endeavour to acquire appropriate lands to contribute to the system. The valley lands and associated buffer blocks have been delineated through the Block Plan process for the Block 59 area and will be conveyed to the City to contribute to the completion of the publicly owned natural heritage network within this area.

The Development respects the following design criteria in accordance with Section 9.1.2.10 of VOP 2010 (in part):

“That in Employment Areas, new development will be designed to:

- allow for a variety of lot sizes and building sizes to accommodate a wide range of employment uses as permitted through Section 9.2 of this Plan;
- provide appropriate parks and open spaces as set out in Section 7.3.”

The Draft Plan shown on Attachment 2 respects the design criteria above by creating a range of lot sizes, and providing appropriate Vegetation Protection Zones (‘VPZs’), valley, and open space blocks. Other design criteria will be evaluated when Site Development Applications are submitted for the development of the blocks. In consideration of the above, the Applications conform to VOP 2010 and the WVEASP.

Block Plan for the Block 59 Area

Vaughan Council, on June 29, 2020, approved the Block 59 Plan, subject to the fulfillment of Block Plan conditions of approval. Vaughan Council on January 19, 2021, considered and approved a revised Block 59 Plan dated September 3, 2020, to reduce the Prestige Employment designation on 6560 Langstaff in accordance with the WVEASP, and to confirm Street ‘L’ as approved in an updated Traffic and Transportation Study (October 2020) for the Block Plan area. These revisions were approved subject to the fulfillment of Block Plan conditions of approval.

Vaughan Council on April 20, 2021, further revised the Block 59 Plan through Zoning By-law Amendment File Z.21.001 (Hunter-Fifty Investments Limited / Line Drive East Investments Limited) by deleting the former Street ‘L’.

Vaughan Council on April 25, 2023, revised the Block 59 Plan through Zoning By-law Amendment File Z.21.025 and Draft Plan of Subdivision File 19T-21V006 (One-foot Developments Inc.) by relocating the Stormwater Management Pond W2 to the southeast side of Street ‘G’ and redesignating those lands as General Employment.

Finally, Vaughan Council on April 22, 2024, revised the Block 59 Plan through Zoning By-law Amendment File Z.23.011 (Costco Wholesale Corporation) by deleting ‘Street M’ and Stormwater Management Pond E1 and redesignating those lands as Prestige Employment.

The Block 59 Plan shown on Attachment 3 identifies the Subject Lands as “Prestige Employment,” “General Employment,” “Natural Heritage Feature”, “10 m Buffer”, “Compensation Areas” and “Street F”. The proposed Draft Plan consists of employment blocks, buffer blocks, open space, and valley blocks. The portion of Street ‘F’ located on the Subject Lands will be conveyed to the City through the Spine Services Agreement applicable to the Block 59 Plan West area.

In consideration of the above, the Applications conform to the approved Block 59 Plan. The Owner is required, as a condition of draft plan approval, to submit a letter from the Trustee for Block 59 West indicating that the Owner has fulfilled all cost sharing and other obligations of the Block 59 West Landowners Cost Sharing Agreement. A condition to this effect is included in Attachment 4.

Amendments to Zoning By-law 001-2021 are required to permit the Draft Plan

Zoning:

- FD Future Development Zone by Zoning By-law 001-2021
- This Zone does not permit the Draft Plan
- The Owner proposes to rezone the Subject Lands to EM1 Zone, EM2 Zone, and EP Zone as shown on Attachment 2, together with the following site-specific zoning exceptions to facilitate the Draft Plan:

Table 1:

	Zoning By-law 001-2021 Standard	EM1 Prestige Employment Zone and EM2 General Employment Zone Requirements	Proposed Exceptions to the EM1 Prestige Employment Zone and EM2 General Employment Zone Requirement
a.	EM1 Minimum Setback of any building or structure to an OS Zone	20 m	3 m (to an EP Zone)
b.	EM1 Minimum Landscape Strip on any Interior Side and Rear Lot Line abutting an OS Zone	4.5 m	3 m (to an EP Zone)
c.	General Provisions for Long-term Bicycle Parking Spaces	A long-term bicycle parking space shall be located wholly within the building where the principal use is located and for which the bicycle parking space is required.	A long-term bicycle parking space may be located wholly within the building where the principal use is located and for which the bicycle parking space is required, or wholly contained within a structure exterior to the building.
	Zoning By-law 001-2021 Standard	EM2 General Employment Zone Requirement	Proposed Exceptions to the EM2 General Employment Zone Requirement
d.	Definitions – Outdoor Display Area (Block 3)	Means an area located outside of a building and on the same lot as a commercial retail use for the purpose of displaying finished merchandise for sale.	Means an area located outside of a building and on the same lot for the purpose of displaying finished heavy equipment which may be located between a building and a street.
e.	Permitted Uses (Block 3)	An Outdoor Display Area is not permitted	To permit an Outdoor Display Area as an additional permitted use

f.	EM2 Minimum Setback of any building, structure or outside storage to an OS Zone	20 m	3 m (to an EP Zone)
g.	EM2 Minimum Landscape Strip on any Interior Side and Rear Lot Line abutting an OS Zone	4.5 m	3 m (to an EP Zone)
h.	Outdoor Display Area Maximum occupied area (Block 3)	35% of the lot area	400 m ²
i.	Maximum Permitted area of Outside Storage (Block 3)	30%	50%
j	General Provisions for Long-term Bicycle Parking Spaces	A long-term bicycle parking space shall be located wholly within the building where the principal use is located and for which the bicycle parking space is required.	A long-term bicycle parking space may be located wholly within the building where the principal use is located and for which the bicycle parking space is required, or wholly contained within a structure exterior to the building.

The Development Planning Department can support the zoning exceptions identified in Table 1 on a site-specific basis as the proposed uses and site-specific exceptions are consistent with the developments in the surrounding area and conform to VOP 2010. Accordingly, the Development Planning Department can support the re-zoning and site-specific exceptions identified in Table 1.

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

The Development Planning Department recommends approval of the Draft Plan, subject to the Conditions of Approval.

Subdivision Design

The Draft Plan shown on Attachment 2 is to create three blocks for employment uses, valley lands and buffer areas and road widenings. The Owner shall satisfy all conditions of Draft Plan of Subdivision Approval contained in Attachment 4 prior to the final Draft Plan (M-plan) being registered to legally establish the blocks. “Street F”, as shown on Attachment 2, forms part of the Subject Lands, but will be conveyed to the City via the Block 59 Spine Services Agreement, to the satisfaction of the Development Engineering Department

Urban Design

The Urban Design division of the Development Planning Department has no objections to the Applications, and has provided the following conditions of approval which are included in Attachment 4:

- The provision of a detailed tree preservation study, edge management plan, soils report and Urban Design Brief all to the satisfaction of the City.
- The installation of fencing along the limits of the employment blocks abutting the natural heritage network, open space lands and associated buffer blocks.

Built Heritage Resources and Archaeology

Cultural Heritage Staff have reviewed the Applications and determined there are no existing built heritage concerns.

The Owner has submitted Stages 1 through 3 Archaeological Assessments for the Subject Lands. The Stage 3 Archaeological Assessment concluded that archaeological resources in the vicinity of the Subject Lands have been adequately documented and that no further archaeological work is required.

Cultural Heritage Staff have provided conditions of approval respecting standard archaeological clauses, which are included in Attachment 4.

The Development achieves a Bronze Sustainability Threshold Score

The Development achieves an overall Sustainability Performance Metrics (SPM) application score of 24 (bronze level). This score meets minimum threshold requirements.

Financial Impact

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

Operational Impact

The Policy Planning and Special Programs ('PPSP') Department supports the Draft Plan, subject to conditions in Attachment 4

The PPSP Department advised that as a result of the Toronto and Region Conservation Authority (the 'TRCA') not assuming ownership of the valley lands, buffers, and compensation areas (Blocks 4-6, and 8-11), these lands will be dedicated to the City. Therefore, the Owner is required to pay a one-time financial contribution for the long-term maintenance of the Natural Heritage Network at a rate of \$5,000/hectare.

The PPSP Department reviewed the Applications and advised that the natural heritage system has been established for the Subject Lands. All natural features/hazard limits and associated Vegetation Protection Zones ('VPZ') have been delineated and the developable areas have been appropriately established to the satisfaction of the TRCA.

The PPSP Department has no objection to the Development and has provided conditions of approval in Attachment 4.

The Development Engineering ('DE') Department supports the Development, subject to the conditions in Attachment 4

The DE Department has provided the following comments:

Municipal Servicing – Water

The Subject Lands are situated within Pressure District 5 West (PD5W) of the York Water Supply System and water supply will be provided through connections to existing watermains along the perimeters of Block 59. Block 1 on the Draft Plan, west of Rainbow Creek, will be serviced via a connection to the existing watermain (PD6R) in Huntington Road. Blocks 2 and 3 on the Draft Plan, east of Rainbow Creek, will be serviced via a connection to the watermain in future Street F. The proposed service connections are sufficient to provide adequate pressures and flows to service the Subject Lands.

The DE Department requires the Owner to satisfy the conditions in Attachment 4 to support a complete approval of the proposed water servicing strategy.

Municipal Servicing – Sanitary Servicing

The Subject Lands will be serviced via the existing wastewater sewer on Huntington Road which flows southerly to the existing wastewater sewer on Zenway Boulevard. Block 1 on the Draft Plan will be serviced via the existing sanitary sewer on Huntingwood Road. Blocks 2 and 3 on the Draft Plan will be serviced by a new proposed City-owned 250 mm sanitary service within proposed Street F, as part of the Block 59 subdivision drawings prepared and submitted by others on behalf of the Block 59 West Landowners group.

Based on the current City sanitary operational model, minor surcharging is identified under existing conditions in several segments downstream of the Medallion Boulevard outlet. Surcharging is not permitted per City criteria and a financial contribution from the Owner for downstream improvements to the existing sanitary system, if required, has been included as a condition of approval. The infrastructure improvements will be based on the conclusions and recommendations of the completed Functional Servicing Strategy Report.

The DE Department requires the Owner to satisfy the conditions in Attachment 4 to support a complete approval of the proposed sanitary servicing strategy.

Municipal Servicing - Stormwater

The proposed stormwater management scheme generally follows the proposed stormwater management strategy of the Block 59 Master Environmental Servicing Plan ('MESP'). Block 1 on the Draft Plan is proposed to adhere to the release rates established per the sub-watershed criteria. It is proposed to provide quality control prior to discharging such that 80% Total Suspended Solids removal is achieved on site. Blocks 2 and 3 on the Draft Plan comply with the approved criteria as set out in the approved MESP. All of the proposed stormwater management facilities will be privately owned

and operated. Detailed designs will be prepared and submitted to the appropriate authorities to secure the necessary approvals with future Site Development Applications.

The DE Department requires the Owner to satisfy the conditions in Attachment 4 to support a complete approval of the proposed SWM strategy.

Environmental Engineering

The Owner has submitted Phase One and Two Environmental Site Assessment ('ESA') Reports, in which two isolated soil exceedances were identified. A Risk Evaluation, signed by a Qualified Person for Risk Assessments (Q^{PRA}), along with an updated reliance letter were provided by the Owner. As outlined in this Risk Evaluation, one of these exceedances was previously remediated, and no further action was considered necessary to address the second exceedance. Environmental Engineering reviewed the Risk Evaluation and updated reliance letter, and are satisfied with both documents and have no further comments.

Transportation Engineering

In principle, Transportation Engineering has no concerns regarding the Draft Plan. An updated traffic study will be required with future Site Development Applications. Final details and comments regarding access(es), parking configuration(s), active transportation and Transportation Demand Management will be provided through future Site Development Applications.

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

The Real Estate Department has advised that 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 Section 51 of 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 the cash-in-lieu payment. A condition to this effect has been included in Attachment 4.

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

The Development Finance Department, Forestry division, Infrastructure Planning and Corporate Asset Management, Parks Infrastructure Planning and Development Department, Alectra Utilities, Bell Canada, Canada Post, Enbridge, Hydro One Networks Inc., have no objections to the Development, subject to the conditions included in Attachment 4.

The By-law & Compliance, Licensing & Permit Services Department, Emergency Planning division, Fire & Rescue Services, Waste Management division, Rogers, have no objections to the Development.

Broader Regional Impacts/Considerations

The Regional Municipality of York ('York Region') has provided conditions of approval

York Region has no objection to the approval of the Applications. The Owner is required to satisfy all York Region requirements, subject to the comments and Conditions of Approval in Attachment 4.

The TRCA has provided conditions of approval

Portions of the Subject Lands are located within the TRCA's regulated area, and permits from the TRCA pursuant to the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 166/06), are required.

The "Natural Areas" designation recognizes a portion of Rainbow Creek that traverses the Subject Lands. The Draft Plan delineates the valley land and creek, and the related vegetation protection zones as natural heritage system and buffer blocks (Blocks 4, 5, 6) that will be conveyed to the City, and the lands are proposed to be rezoned into the EP Zone under By-law 001-2021 which prohibits development.

The TRCA has no objections to the Applications, subject to their conditions of approval included in Attachment 4 to address outstanding technical requirements.

Conclusion

The Development Planning Department is satisfied the Applications are consistent with the PPS, conform with the Growth Plan, YROP 2022 and VOP 2010, and are appropriate for the development of the Subject Lands. The Draft Plan 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 conditions of approval in Attachment 4.

For more information, please contact Casandra Krysko, Senior Planner, at extension 8003.

Attachments

1. Context and Location Map
2. Draft Plan of Subdivision File 19T-22V005 and Proposed Zoning
3. Block 59 Land Use Plan
4. Conditions of Draft Plan of Subdivision File 19T-22V005 (Attachments 4A to 4H)

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