

Committee of the Whole (2) Report

DATE: Tuesday, April 21, 2020

WARD: 1

**TITLE: CONMAR DEVELOPMENTS INC. & FENLANDS VAUGHAN INC.
ZONING BY-LAW AMENDMENT FILE Z.19.007
DRAFT PLAN OF SUBDIVISION FILE 19T-19V002
SITE DEVELOPMENT FILE DA.19.072
11110 JANE STREET**

FROM:

Bill Kiru, Acting Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment, Draft Plan of Subdivision, and Site Development Files Z.19.007, 19T-19V002 and DA.19.072. The Owner seeks permission to rezone the subject lands and for Draft Plan of Subdivision and Site Plan approvals to permit a distribution facility to be developed in two phases, as shown on Attachments 6 to 11.

Report Highlights

- The Owner proposes to rezone the subject lands and seeks Draft Plan of Subdivision and Site Plan approvals to permit the development of a distribution facility to be constructed in two phases on the subject lands
- Phase 1 will have a Gross Floor Area ('GFA') of 51,469m² and Phase 2 includes an 18,839m² expansion
- The Development Planning Department supports the approval of the development as it is consistent with the *Provincial Policy Statement 2014*, conforms to the Growth Plan 2019, 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

Recommendations

1. THAT Zoning By-law Amendment File Z.19.007 (Conmar Developments Inc. & Fenlands Vaughan Inc.) BE APPROVED, to amend Zoning By-law 1-88, to rezone the Subject Lands shown on Attachment 5 from “A Agricultural Zone” to “EM1 Prestige Employment Area Zone”, “EM2 General Employment Area Zone”, “C7 Service Commercial Zone”, “A Agricultural Zone”, and “OS1 Open Space Conservation Zone”, in the manner shown on Attachment 6, together with the site-specific zoning exceptions to Zoning By-law 1-88 identified in Table 1 of this report, and the recommendations in this report.
2. THAT the implementing Zoning By-law include a provision requiring Block 3 to be developed with a Hotel or Office Building use.
3. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, to permit minor adjustments to the in-effect Zoning By-law before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into full force and effect.
4. THAT Draft Plan of Subdivision File 19T-19V002 (Conmar Developments Inc. & Fenlands Vaughan Inc.) BE APPROVED, to facilitate the Draft Plan of Subdivision shown on Attachment 6, subject to the Conditions of Draft Plan of Subdivision Approval set out in Attachment 1 of this report.
5. THAT Site Development File DA.19.072 (Conmar Developments Inc. & Fenlands Vaughan Inc.) BE DRAFT APPROVED SUBJECT TO THE CONDITIONS included in Attachments 2, 3, and 4 to the satisfaction of the Development Planning Department, York Region and the Toronto and Region Conservation Authority respectively, to permit the development shown on Attachments 6 to 11.
6. THAT prior to the execution of the Site Plan Agreement the Owner (Conmar Developments Inc. & Fenlands Vaughan Inc.), shall successfully obtain approval from the City of Vaughan Committee of Adjustment for a Consent application to create a permanent easement in favour of Conmar Developments Inc. & Fenlands Vaughan Inc. for driveway access over the lands south of the Subject Lands located at 10980 Jane Street. The Committee’s decision regarding the Consent Application shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee.
7. THAT the Owner (Conmar Developments Inc. & Fenlands Vaughan Inc.), enter into an agreement with the City of Vaughan to provide securities and commit to undertaking works based on the preliminary design for the provision of external roads and municipal services, improvements to existing municipal services, and commit to enter into agreement(s) with other landowners and the City to facilitate the development of the Subject Lands. This agreement is to be executed prior to

enactment of the Zoning By-law unless alternative arrangements are made to the satisfaction of the City.

8. THAT the Member's Resolution approved by Vaughan Council on March 11, 2020, supporting a Minister's Zoning Order to reclassify Provincially Significant Wetlands be clarified to include a Provincially Significant Wetland located south of the Subject Lands, as identified in Attachments 2 and 3 of the Resolution.

Background

The subject lands (the 'Subject Lands') shown on Attachment 5 are municipally known as 11110 Jane Street, extend from Highway 400 to Jane Street, and are located north of Teston Road. The surrounding land uses are shown on Attachment 5.

The Subject Lands are vacant and currently being graded. The Development Engineering Department has issued a permit for topsoil stripping and earthworks.

Previous Reports/Authority

The following is the link to the June 4, 2019, Committee of the Whole Public Hearing (Item 6, Report No. 22) for the applications:

<https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=18453>

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol

The City on May 10, 2019, mailed a Notice of a Public Hearing to all property owners within 150 m of the Subject Lands and the MacKenzie Ridge Ratepayers Association. A copy of the Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and a Notice Sign was installed along the Jane Street frontage of the property in accordance with the City's Notice Signs Procedures and Protocols.

A Committee of the Whole (Public Hearing) was held on June 4, 2019, to receive comments from the public and the Committee of the Whole. Vaughan Council on June 12, 2019, ratified the recommendation of the Committee of the Whole to receive the Public Hearing report of June 4, 2019, and to forward a comprehensive report to a future Committee of the Whole meeting. No individuals appeared before the Committee of the Whole at the Public Hearing.

Since the Public Hearing meeting an email was received by the Development Planning Department from Brookvalley Project Management Inc. on behalf of Janeston Valley Development Ltd. ('Janeston'), the Owners of the lands located immediately north of the Subject Lands. The correspondence stated Janeston are generally satisfied with the realignment of Street 1, but would like to be informed regarding proposed services for the Subject Lands.

Analysis and Options

Zoning By-law Amendment, Draft Plan of Subdivision, and Site Development Applications have been submitted to permit the Development

Conmar Developments Inc. & Fenlands Vaughan Inc. (the 'Owner') has submitted the following applications (the 'Applications') for the Subject Lands to permit a distribution facility to be developed in two phases, including accessory office uses, buildings and structures, and parking for employees, visitors, trailers, tractor trailers, vans, and snow cleaning machinery (the 'Development'). Phase 1 consists of the main distribution facility and accessory buildings having a total GFA of 51,469m² and Phase 2 includes a 18,839m² expansion, as shown on Attachments 6 to 11:

1. Zoning By-law Amendment File Z.19.007 (Conmar Developments Inc. & Fenlands Vaughan Inc.) to rezone the Subject Lands from "A Agricultural Zone" to "EM1 Prestige Employment Area Zone", "C7 Service Commercial Zone" and "OS1 Open Space Conservation Zone", together with the site-specific exceptions to Zoning By-law 1-88 identified in Table 1 of this report.
2. Draft Plan of Subdivision File 19T-19V002 to obtain Draft Plan of Subdivision approval for a Plan of Subdivision ('Draft Plan'), as shown on Attachment 6, consisting of the following:

Blocks	Land Use	Area (hectares)
1 and 2	Employment	34.73
3	Service Commercial	2.15
4 - 9	0.3 m Reserve	0.01
10	Road Widening	0.39
	Streets 1 and 2	1.86
Total		39.14

3. Site Development File DA.19.072 (Conmar Developments Inc. & Fenlands Vaughan Inc.) to obtain site plan approval for the Development consisting of a single use, large-format, warehouse/distribution centre with accessory office, accessory structures, 560 employee/visitor parking spaces, and truck and tractor-trailer parking spaces, as shown on Attachments 6 to 11.

The Development is consistent with the Provincial Policy Statement 2014 and the Provincial Policy Statement 2020, subject to the recommendations in this report

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement 2014 (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 *Planning Act* requires that Vaughan Council’s planning decisions be consistent with the PPS. The Development is consistent with the policies of the PPS, specifically Sections 1.1.1, 1.1.3, 1.3.2.3 and 2.1.1 to provide employment opportunities, diversify the City’s economic base and protect employment areas in proximity to a major goods movement facility.

The new Provincial Policy Statement 2020 (‘PPS 2020’) will come into effect on May 1, 2020. The Development is consistent with the policies of the PPS 2020, specifically Sections 1.1.1, 1.1.3, 1.3.2.6 and 2.1.1.

The Development is a significant employment use providing employment opportunities and includes a mix of uses in a settlement area. The Development is located in proximity to a major goods movement facility (Highway 400), utilizes existing and planned infrastructure, and protects natural features through the use of an Open Space Conservation Zone and Agricultural Zone.

The Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019

A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (the ‘Growth Plan’) is intended to guide decisions on a wide range of issues, including economic development, land use planning, urban form, and housing. The Growth Plan encourages population and employment growth within settlement areas and promotes the development of complete communities that offer a mix of housing types, access to local amenities and connections to municipal water and wastewater systems. Council’s planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan. The Development conforms to policies 2.2.1, 2.2.5 and 4.2.2 of the Growth Plan regarding utilizing existing employment areas and infrastructure and maintaining key natural heritage and hydrological features.

The Development conforms to the policy framework of the Growth Plan as it utilizes the Subject Lands efficiently, is located within a settlement area abutting a 400 series

Highway, the natural heritage features are protected, and it provides employment opportunities supportive of the Growth Plan objectives.

The Owner has requested a Minister's Zoning Order for a portion of the Subject Lands

The Committee of the Whole on March 9, 2020, considered and approved a Member's Resolution supporting a Minister's Zoning Order to reclassify the Provincially Significant Wetlands ('PSWs') to allow the Subject Lands to be developed for Employment Uses. Council on March 11, 2020, ratified the Committee's recommendation. Council's resolution has been forwarded to the Minister of Municipal Affairs and Housing for consideration. Attachments 2 and 3 of the Member's Resolution identified a PSW on lands south of the Subject Lands in Block 34 East. The Member's Resolution, however, is specific to the Subject Lands only. A Recommendation is included in this report to clarify that the Member's Resolution also applies to the PSW south of the Subject Lands.

The Ministry of Natural Resources and Forestry ('MNR') must confirm the PSWs within Block 1, as shown on Attachment 6, have been reclassified or relocated to form part of the larger natural heritage system in the southern half of Block 34 East to the satisfaction of the City of Vaughan and the Toronto and Region Conservation Authority ('TRCA'). A condition(s) requiring final approval from the MNR is included in Attachment 1a this report.

Should the PSWs be reclassified or relocated to the satisfaction of the TRCA and the City of Vaughan, a Zoning By-law amendment will be required to rezone these lands from "A Agricultural Zone" to "EM2 General Employment Zone" to implement a consistent zone over the entirety of Block 1. An amendment to the site plan, if approved, would also be required to permit employment uses related to the distribution facility on these lands, to the satisfaction of the City.

The Owner proposes compensation for the PSWs through a wetland relocation/compensation strategy located on lands immediately south of the Subject Lands. The TRCA supports the relocation of the PSWs, as protection of the PSWs in situ would ultimately result in their degradation due to their isolated nature and result in reduced quality contribution to the greater East Purpleville Creek valley system.

The TRCA concurs with the recommendations in the Environmental Impact Study, prepared by Savanta (October 2019), and in the Master Environmental Servicing Plan, prepared by Schaeffers Consulting Engineers (October 2019), to relocate the PSWs to the larger Natural Heritage System ('NHS') located on the land to the south, as this

would result in a more robust system and net ecological gain. A condition is included in Attachment 1c requiring final approval from TRCA for the proposed PSWs relocation/compensation strategy.

The Development conforms to the York Region Official Plan 2010

The York Region Official Plan 2010 (the 'YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated as "Urban Area" on Map 1, "Regional Structure" of the YROP. Figure 2, York Region Strategic Employment Lands, includes the Subject Lands in a Strategic Employment Land area.

YROP 2010 Chapter 4.3 "Planning for Employment Lands" states "it is the policy of Council to protect strategic employment lands". These strategic areas are identified based on their proximity to existing and planned 400-series highways. Major retail is not permitted in strategic employment areas. Section 4.3.11 of the YROP allows for a limited amount of ancillary uses on employment lands, provided that the proposed uses are intended to serve the employment businesses. Ancillary uses cannot exceed 15% of an employment area as defined in the local municipal official plan.

The Development is for employment uses in a strategic employment area abutting Highway 400. The proposed 1.97 ha service commercial block comprises approximately 5% of the area of the Subject Lands and is intended to serve the Highway 400 North Employment Lands and future businesses. The Development conforms to YROP 2010.

The Development conforms to Vaughan Official Plan 2010

Schedule 1 - "Urban Structure" of the Vaughan Official Plan 2010 ('VOP 2010') identifies the Subject Lands as being in an "Employment Area" and includes the "Natural Areas and Countryside" designation. Schedule 13 - "Land Use" of VOP 2010 shows the Subject Lands are located within an area identified as "Lands Subject to Secondary Plans", of Section 11.4 on Schedule 14-A (Volume 2 of VOP 2010).

The Subject Lands are designated "Prestige Areas", "General Employment Area", and "Potential Valley and Steam Corridor" by VOP 2010. The Highway 400 North Employment Lands Secondary Plan ('OPA 637'), an amendment to OPA 450 and OPA 600, relies on the underlying policies of OPA 450 as they relate to the Subject Lands.

Section 3.4.2 of OPA 450, as amended by OPA 637, requires a Block Plan for greenfield development. A Block Plan application (File BL.34E.2014) has been submitted for a portion of Block 34 East and includes the lands located immediately

south of the Subject Lands. The portion of Block 34 East, north of the Subject Lands, comprising three parcels and do not form part of the Block Plan.

A Block Plan application was submitted by the Participating Landowners Group, collectively known as the “Block 34 East Landowners Group”

The City received Block Plan File BL.34E.2014 (Block Plan application) on April 12, 2016, and a subsequent revision on March 13, 2019. The Committee of the Whole considered the Block 34 East Plan at a Public Hearing held on February 4, 2020.

Conmar Developments Inc. & Fenlands Vaughan Inc. are non-participating land owners in the Block Plan application process. The Development is being coordinated with the ongoing Block Plan application process to ensure future development is reviewed in a comprehensive manner. It is expected the Owner will form part of the Block Plan application process. The Owner will be required to update the approved Block 34 East Plan to reflect the Development to the satisfaction of the Development Planning Department. In accordance with Section 2.3.3.1 d) iii) of OPA 450, modifications, to the primary or collector road system may occur at the Block Plan stage provided that the overall planning and transportation polices of the Plan are maintained. A condition to this effect is included in Attachment 1a of this report.

To meet the requirements of the Block Plan, the studies submitted in support of the Applications have been prepared to include analysis consistent with a Block Plan review, as set out in VOP 2010, specifically policies 10.1.1.15 through 10.1.1.19 and 10.1.1.23 through 10.1.1.25. This would, if the Applications are approved, allow the information to be included as an addendum to the Block Plan file. These Applications are proceeding concurrent with the processing of the Block Plan submitted by the participating Block 34 East Landowners Group. The Owners will be required to enter into a Developers Group Agreement with the Block 34 East Landowners Group.

The Development provides a significant economic development opportunity for the City of Vaughan, which includes specialized distribution automation technology, and will provide skilled employment opportunities.

Amendments to Zoning By-law 1-88 are required to rezone the Subject Lands to permit the Development

The Subject Lands are zoned “A Agricultural Zone” by Zoning By-law 1-88, which does not permit employment uses. The Owner is proposing to rezone the Subject Lands to “EM1 Prestige Employment Area Zone”, “C7 Service Commercial Zone” and “OS1 Open Space Conservation Zone”.

The Development Planning Department has reviewed the Zoning By-law Amendment application and recommends Blocks 1, 2, and 3 be rezoned to “EM2 General Employment Area Zone”, “EM1 Prestige Employment Area Zone”, “C7 Service Commercial Zone”, and “OS1 Open Space Conservation Zone”, in the manner shown on Attachment 6. This would implement the General Employment Area land use designation of the 400 Employment Lands Secondary Plan and the proposed distribution facility use for Block 1. Staff also recommends the portion of the Subject Lands containing the PSWs and a buffer within Block 1 remain zoned “A Agricultural Zone”, as shown on Attachment 7. This zoning will remain in place until the PSWs are reclassified as discussed in this report.

The landscape buffer in the OS1 Zone includes the proposed headwater drainage feature and upland enhancement area at the southwest corner of the Subject Lands and the minimum 14 metre setback from Highway 400 as required by the Ministry of Transportation Ontario (‘MTO’). The proposed site-specific exceptions to Zoning By-law 1-88 are identified in Table 1 as follows:

Table 1:

	Zoning By-law 1-88 Standard	EM2 General Employment Area Zone Requirements (Block 1)	Proposed Exceptions to the EM2 General Employment Area Zone Requirements (Block 1)
a.	Definition of a Front Lot Line	Front Lot Line means (in part) lot line facing the main entrance of the building	The Front Lot Line for Block 1 shall be the lot line abutting Street 1
b.	Definition of a Distribution Facility and Permitted Uses in an EM2 Zone	Distribution Facility – not defined in By-law 1-88	Permit a Distribution Facility defined as follows: means a building or part of a building used primarily for the storage and distribution of goods and materials, including the outside storage and maintenance of commercial motor vehicles, heavy commercial vehicles and intermodal containers and is also considered to be an employment use
c.	Definition of an Automotive Retail Store	Means a building or part of a building primarily engaged in the retail of vehicle parts, accessories, and tools where accessory uses may include service bays for performing specialized automotive	Automotive Retail Store means a building or part of a building primarily engaged in the retail of vehicle parts, accessories, and tools. No service bays shall be permitted

	Zoning By-law 1-88 Standard	EM2 General Employment Area Zone Requirements (Block 1)	Proposed Exceptions to the EM2 General Employment Area Zone Requirements (Block 1)
		related work, but do not include autobody repair work or paint work	
d.	Definition of a Driveway	Means a vehicular accessway providing access from a public highway to a building or property, a loading space, a parking area or a garage	Means a vehicular accessway providing access from a public highway or completely or partially from an abutting lot to a building or property, a loading space, a parking area or a garage
e.	Definition of Outside Storage	Means the leaving, placing or parking of goods, materials, machinery, equipment or vehicles on a lot and not covered by a structure in the EM2 Zone only	Means the leaving, placing or parking of equipment or vehicles including trucks, trailers, and tractor trailers directly associated with a Distribution Facility
f.	Minimum Parking Requirements	<u>Employment Use</u> 49,110m ² (Phase 1) + 18,839m ² (Phase 2) @ 1.5 spaces/100m ² = 1,020 spaces <u>Accessory Office</u> 2,359m ² @ 2 spaces/100m ² = 48 spaces Total Required Parking: = 1,068 spaces	<u>Employment Use</u> 49,110m ² (Phase 1) + 18,839m ² (Phase 2) @ 0.75 spaces/100m ² = 510 spaces <u>Accessory Office</u> 2,359m ² @ 2 spaces/100m ² = 48 spaces Total Proposed Parking: = 558 spaces
g.	Minimum Landscape Strip Width	6 m	2.5 m (between the employee/visitor parking and the north property line)
h.	Minimum Landscape Strip Width abutting an Open Space or Residential Zone	7.5 m	0 m
i.	Minimum/Maximum Width of a Driveway or Aisle Serving a Loading Facility	6 m/13.5 m	6 m/ 35 m
j.	Min./Max. Driveway Width	5.4 m/7.5 m	7 m/24 m
k.	Minimum Distance Between a Street Line and a Driveway	15 m	0m (truck entrance driveway from Street 1)
l.	Loading and Unloading Requirements	Loading and Unloading shall not be permitted between a building and a street	Loading and Unloading shall be permitted between a building and Street 1
m.	Yard Requirements for Accessory Structures	Accessory buildings or structures shall be subject to	The minimum setback to an accessory building or structure in

	Zoning By-law 1-88 Standard	EM2 General Employment Area Zone Requirements (Block 1)	Proposed Exceptions to the EM2 General Employment Area Zone Requirements (Block 1)
		<p>the same minimum yard requirements as the main building</p> <p>Accessory buildings or structures shall not be located in any yard abutting Highway 400</p>	<p>an interior, exterior or rear yard, shall be 1.5 m</p> <p>Accessory buildings and structures shall be permitted in any yard abutting Highway 400</p>
n.	Accessory Outside Storage Requirements	<ul style="list-style-type: none"> • Max. 30% of the lot area • Not permitted in any front and exterior side yard or between any main building and a street line, and cannot be closer than 20 m to any street • Outside storage cannot exceed 3m in height 	<p>Permit outside storage:</p> <ul style="list-style-type: none"> • maximum 65 % of the lot area • in an exterior or interior side yard • between a main building and a street line and 12 m from Street 1 • having a maximum height of 4.5m

	Zoning By-law 1-88 Standard	C7 Service Commercial Zone Requirements (Block 3)	Proposed Exceptions to the C7 Service Commercial Zone Requirements (Block 3)
a.	Definition of a Front Lot Line	Front Lot Line means (in part) lot line facing the main entrance of the building	The Front Lot Line shall be the lot line abutting Jane Street
b.	Permitted Uses	All C7 Service Commercial Uses	<p>Permit an Automotive Retail Store engaged in the retail sale of vehicle parts, accessories and tools only, no service bays shall be permitted</p> <p>Prohibit the following uses:</p> <ul style="list-style-type: none"> • Car Rental • Parking Garage • Automobile Service Station

The proposed development standards and exceptions to Zoning By-law 1-88 are required to implement the Development. The exceptions to the Outside Storage provisions of Zoning By-law 1-88 are required to accommodate the storage and/or parking of trucks, and tractor-trailers typically accessory to a Distribution Facility. The proposed definition for a Distribution Facility is consistent with the draft definition included in the City’s draft comprehensive zoning by-law review.

The site-specific exceptions related to definitions, building setbacks, accessory structures, driveway width, lot line definitions, and landscaping are appropriate and will not impact adjacent properties. The Development Engineering Department have reviewed the Transportation Study in support of the application. The final Transportation Study shall be approved to the satisfaction of the Development Engineering Department.

No exceptions to the EM1 Prestige Employment Area Zone development standards in Zoning By-law 1-88 are proposed, except to clarify the definition of the Front Lot Line for Block 2 to be the lot line abutting Jane Street.

The Service Commercial Block will provide for the needs of the area employees and businesses

The Development Planning Department can support a “C7 Service Commercial Zone” for Block 3 as a Service Node. Service Nodes are not shown on Schedule 2D of the 400 Employment Lands. The Official Plan notes that acceptable Service Node sites will be identified through a site-specific Zoning By-law amendment application and service nodes are generally located at intersections of arterial and/or collector roads, but other conveniently located areas may also be considered.

The Official Plan permits a Service Node to a maximum of 2.4 ha if it is developed in conjunction with a predominant use (e.g. greater than 60% of the total gross floor area of the lot) such as an office building or a hotel. The C7 Block has an area of 2.15 ha. The proposed C7 Service Commercial Zone, permits a hotel and office building. The larger lot size would assist in attracting and developing this Block with a predominant use. The implementing Zoning By-law will include a provision to require Block 3 be developed with a hotel or office building to conform to the Official Plan.

The Development Planning Department does not support the following uses proposed for the C7 Service Commercial Zone:

- Car Rental Use
- Parking Garage
- Automotive Retail Store (with service bays)
- Automobile Service Station
- A Retail Warehouse

A Car Rental use on this Block could result in the outside storage of vehicles, and impact parking availability on this Block. In addition, a Car Brokerage use includes the

sale/leasing and rental of passenger vehicles (within a wholly enclosed building). A Parking Garage, Automobile Service Station, and an Automotive Retail Store (with service bays), is not appropriate along the Jane Street frontage.

The draft Zoning By-law application provided by the Owner proposes to rezone Block 3 to “C7 Service Commercial Zone” to permit the full range of “C7 Service Commercial Zone” uses identified in Zoning By-law 1-88 and a Retail Warehouse use. A Retail Warehouse use is not permitted in the C7 Zone and is identified as a prohibited use in the Highway 400 North Employment Lands Secondary Plan. Accordingly, staff cannot support a Retail Warehouse use in a C7 Zone as it does not conform to the Official Plan. An Official Plan Amendment is required to permit this use.

In consideration of the above, the Development Planning Department supports the proposed “EM1 Prestige Employment Area Zone” for Block 2 and “C7 Service Commercial Zone” for Block 3, subject to the exceptions identified in Table 1 and in the Recommendations in this report. Staff recommends Block 1 be rezoned to “EM2 General Employment Area Zone” and “A Agricultural Zone” as shown on Attachment 6, which conforms with the General Employment Area designation in the 400 North Employment Lands and more appropriately reflects the Distribution Facility use.

The Planning Act permits Vaughan Council to pass a resolution to permit the Owner to apply for a Minor Variance application, if required, within 2 years of a Zoning By-law coming into full force and effect

Section 45 (1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application(s) to the Committee of Adjustment within two (2) years of the day on which a Zoning By-law was amended. The *Planning Act* also permits Council to pass a resolution to allow an Owner to apply for a Minor Variance applications(s) within 2 years of the passing of the zoning by-law amendment. The Development Planning Department supports the inclusion of a resolution to accommodate minor design changes that may occur through the finalization of all plans and construction. A resolution to this effect is included in the Recommendations of this report.

The Development Planning Department has no objection to the approval of the Development, subject to the Recommendations in this report

Draft Plan of Subdivision Design

The Draft Plan shown on Attachment 6, includes three development Blocks, two new public roads with 26 m rights-of-way (‘ROW’), and a road widening of Jane Street. Street “1” is a public mid-block collector road extending from Teston Road to Kirby Road in Block 34 East.

The Development Planning Department supports the proposed Draft Plan, subject to the Recommendations and the Conditions of Draft Plan of Subdivision Approval outlined in Attachment 1 of this report.

Site Plan

The Development shown on Attachments 6 to 11 includes a one-storey distribution facility (to be constructed in two phases) with a building height of 28 m having a total GFA (Phases 1 and 2) of 70,308 m². A two-storey office is located along the south elevation. Administrative offices are located at the southeast corner of the distribution facility.

The main building entrance and the employee/visitor parking lot is located on the east side of the building. A concrete sidewalk provides a pedestrian connection from the employee/visitor parking lot to the administrative offices.

Three driveway entrances to the Subject Lands are located on Street "1" to provide access to the employee/visitor parking lot. Truck traffic will enter and exit the Subject Lands from a driveway located on the east/west portion of Street "1". Trucks will have controlled access to the Subject Lands via a gatehouse and a weigh scale area located south of the distribution facility. Truck traffic will not have access to the parking lot and drive aisles east of the building. Chain link fencing, 2.43 m in height, with opaque plastic slates is proposed along the north and south side yards to screen truck parking and the loading area from the employee/visitor parking area. The Open Space Zone is located along the Highway 400 property line and is proposed to be enclosed by a 2.43m chain link fence.

An access easement over the lands to the south is required for a truck driveway. The Owner of the lands to the south (10980 Jane Street) must grant an easement in favour of the Subject Lands to facilitate the driveway. Approval from the City of Vaughan Committee of Adjustment for a Consent application is required to create the easement. Prior to the execution of the Site Plan Agreement the Committee's decision shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee. A condition to this effect is included in the Recommendations of this report.

Building Elevations and Signage

The proposed building elevations shown on Attachments 10 (Phase 1) and 11 (Phase 2) consist primarily of insulated metal panels, precast concrete insulated panels and moldings. Frosted clear glass curtain walls are being used for the administrative and transport offices on the north, south and east elevations, but are limited on the west elevation.

In accordance with the City-Wide Urban Design Guidelines (Sections 5.3.9 Façade Design Materials and 7.6.4 Employment/Industrial Buildings), staff recommend the Phase 1 and 2 west elevations facing Highway 400 be enhanced by including frosted clear glass aluminum curtain wall panels similar to the treatments provided on the north and south elevations. Staff also recommend the east elevation be enhanced to provide additional glazing at both the south and north corners of the building.

The Phase 1 building includes 40 and 42 prefinished garage doors on the south and north elevations respectively. The Phase 2 building includes an additional 18 garage doors to both the north and south elevations. The Owner will be required to continue to work with the Development Planning Department to finalize the building elevations prior to final approval. A condition to this effect is included in the Recommendations of this report.

Landscape Plan

The proposed Landscape Plan is shown on Attachment 9 and includes an enhanced landscape area abutting Highway 400 to provide a strong visual character and screen the distribution facility. Additional features such as earthen berms, masonry pillars, decorative fencing and native tree species are recommended by staff to provide additional screening along Highway 400. Additional soft and hard landscape islands should be included in the truck parking area and adequate landscaping shall be provided along the street lines to screen parking. Staff also recommend landscaping within the parking area to be used as part of the stormwater management design for the Subject Lands.

Tree Protection Protocol

The Owner is required to enter into a “Tree Protection Agreement” with the City in accordance with the Vaughan Council enacted Tree Protection By-law 052-2018 and the City’s Tree Protections Protocol. A condition to this effect is included in Attachments 1 and 2 of this report.

The Development meets the Bronze Threshold Score with an Overall Application Score of 41 and an Overall Community Score of 41

The Owner has submitted the completed Sustainability Scoring Tool and Summary letter (“Sustainability Metrics Package”), dated October 18, 2019, in support of the Development. The Sustainability Metrics Package demonstrates an Overall application Score of 41 and an Overall Community Score of 41, meeting the Bronze Sustainability Threshold Score.

Policy Planning and Environmental Sustainability have no objections to the Development, subject to Conditions of Approval

Policy Planning and Environmental Sustainability has no objection to the Development, subject to the Owner satisfying their conditions of approval in Attachment 1a of this report.

The Subject Lands are clear of any built heritage or cultural heritage landscapes and archaeological concern

Built Heritage

The Subject Lands are listed under Section 27(1) of the *Ontario Heritage Act* as part of the City of Vaughan's List of Significant Heritage Sites ('LSHS'). The proposed Distribution Facility required the demolition of the remaining heritage structures, a 19th century farmhouse and barn.

The Owner submitted a Cultural Heritage Impact Assessment ('CHIA') in support of a demolition application. The CHIA documented the history of the property and the current condition of the main farmhouse and concluded it was in poor condition. The CHIA recommended the following:

“.....the existing residential building within the subject property is in significantly deteriorated condition, and a structural assessment conducted by Zarefsky Consulting Engineers Inc. dated 23 May 2019, finds that the building is beyond repair and should be demolished.”

Due to the extensive deterioration, in September 2019, a Heritage Clearance was issued and the main farmhouse building and associated barn have been removed from the Subject Lands.

The Subject Lands remain included on the municipal heritage register (i.e. listed under Section 27 of the *Ontario Heritage Act*) and must be de-listed as the property no longer retains its previously identified cultural heritage value. As a condition of final Site Plan approval the Owner must submit an application to de-list the property to be considered by the Heritage Vaughan Committee and Council, as specified by Section 27 of the *Ontario Heritage Act*.

The Development Planning Department recommends that as a condition of subdivision approval that one of the new municipal roads in the Development be named after its historical property owners. Conditions to this effect are included in Attachments 1 and 2 of this report.

Archaeology

The Subject Lands have been declared to be free of archaeological concern, and the standard archaeological clauses shall be included in the conditions of Site Plan approval in the case of accidental discovery or deeply buried archaeological sites:

- i) Should archaeological resources be found on the Subject Lands during excavation and construction activities, all work must cease, and both the Ontario Ministry of Heritage, Tourism, Sport and Culture Industries and the City of Vaughan's Planning Department shall be notified immediately.
- ii) In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner and the Bereavement Authority of Ontario of the Ministry of Government and Consumer Services.

The Development Engineering ('DE') Department have no objections to the Development, subject to conditions of approval.

Transportation Engineering

A Transportation Study ('TS') was submitted in support of the Applications to assess the proposed road network on the Subject Lands and the broader network. The proposed road network on the Subject Lands includes north-south and east-west Major Collector Roads to satisfy the intent of the 400 North Employment Lands Secondary Plan to accommodate a continuous connection between Teston Road and Kirby Road, and a mid-block connection to Jane Street. The alignment and design of the north-south Major Collector Road is generally acceptable and remaining DE comments shall be addressed during detailed design. The Owner shall provide an updated TS to address comments related to the traffic capacity analyses and the parking supply prior to final approval of the Plan. The Owner is required to arrange with the landowner to the south, through a spine services agreement, the requirements to facilitate the design and construction of the Major Collector Road to Teston Road.

Water Servicing

The Subject Lands are located within two separate Pressure Districts ('PD') of the York Water Supply System. The boundary of the PDs splits the Subject Lands in half, with the proposed buildings on the Subject Lands primarily situated in PD8. There is no PD8 watermain infrastructure in the area; only an existing PD7 watermain along Teston Road. York Region's Northeast Vaughan Water & Wastewater Servicing Class Environmental Assessment ('Regional EA') identifies a future pumping station ('PS') to service PD8 on the Block 34 East lands, south of the Subject Lands. The PS is necessary to service the PD8 area as this pressure district has higher water demand

and requires higher water pressures relative to the PD7 area. The Regional EA is considered the ultimate water servicing strategy for Block 34 and Subject Lands.

The Owner is proposing an interim water servicing strategy until the ultimate water servicing strategy can be implemented as outlined in the Regional EA. The interim water servicing strategy requires a new watermain to be looped from the existing Teston Road watermain through the proposed Block 34 East collector roads and Jane Street. The supporting water model provided for the interim water servicing strategy identifies adequate water pressures are available to service the Subject Lands at a preliminary estimated cost of \$2.57 million using City Development Charge unit rates. Jane Street is within the jurisdiction of York Region and the proposed infrastructure may be conveyed to York Region based on the Owner's Water Supply Servicing Memorandum. The acceptance of the interim water servicing strategy is subject to York Region's review and approval. Furthermore, the Owner will be required to arrange with the landowners to the south, through an agreement, to facilitate the design and construction of the future watermain from Teston Road to supply water service to the Subject Lands. The Owner will also be required to pay for all costs toward the additional operation and maintenance and decommissioning costs of the interim water servicing, as necessary, until the ultimate water strategy is implemented by York Region.

Sanitary Servicing

The Subject Lands are currently not serviced by any existing sanitary infrastructure. The Regional EA identifies a future Regional Sanitary Sewer ('RSS') from the northwest corner of Jane Street and Teston Road running south to the existing York-Durham Sewage System ('YDSS') sewer at Jane Street and Rutherford Road. The RSS is intended to service the future development north of Teston Road and is expected to be operational after 2028. The Regional EA is considered as the ultimate sanitary servicing strategy for the Subject Lands.

The Owner contemplates an interim sanitary servicing strategy for the Subject Lands until the RSS on Jane Street is in service. The strategy proposes to direct wastewater flow to an existing sanitary sewer on Mahmood Crescent located immediately south of Teston Road. The existing sanitary sewer network south of Teston Road primarily services residential land uses and did not originally account for any additional contribution to the system from any of the Block 34 East lands (including the Subject Lands). The downstream sanitary sewer analysis prepared by the Owner concluded that the proposed strategy to connect the Subject Lands to Mahmood Crescent would adversely impact the sanitary sewer network south of Teston Road since there is not enough capacity within the existing sewers to receive the additional flow. To address this concern, the Owner proposes to control the additional sanitary flow by constructing

an inline municipal sanitary storage tank upstream of the Mahmood Crescent sewer to regulate the flow release rate.

The DE Department advises the proposed use of an inline sanitary storage tank may cause an increased risk of basement flooding due to surcharging sewers and may cause additional operational and maintenance obligations for the City to ensure service delivery. The Owner's updated Downstream Sanitary Sewer Analysis Memorandum identifies that Block 1 of the Subject Lands can be serviced by upsizing existing downstream sewers at a preliminary estimated cost of \$1.73 million, without the need for the inline storage tank. The approach of upgrading existing downstream sewers is consistent with the past approvals taken by the City for similar developments.

The City initiated an Interim Servicing Strategy ('ISS') Study in 2019 led by the Infrastructure Planning and Corporate Asset Management ('IPCAM') Department for the wastewater collection systems serving the City's new community areas and employment lands in advance of York Region's anticipated infrastructure delivery of 2028. The ISS will reflect the City's anticipated 10-year development forecast for the period of 2019 to 2028 projected to be completed for Spring 2020. As the Subject Lands and Block 34 East lands are within the ISS study area, the interim sanitary servicing solutions recommended by the Owner will need to be evaluated in conjunction with the City's ISS study.

In the absence of the ISS, it is the Owner's responsibility to mitigate any deficiencies identified in the downstream sewers to effectively service the Subject Lands. The City requests that the Owner identify and undertake a sanitary strategy that would conform to City Standards which includes upgrading downstream sanitary sewers. Furthermore, the Owner will be required to make arrangements with the landowners to the south through an agreement to facilitate the design and construction of the future sanitary sewer from Mahmood Crescent to the Subject Lands and the upgrading of sanitary sewers to service the Subject Lands. The Owner will also be required to pay for all costs toward the additional operation and maintenance and decommissioning costs of the upgraded sanitary infrastructure, as necessary, until the ultimate sanitary strategy is implemented by the Region.

Storm Servicing

The Subject Lands are currently not serviced by any existing storm infrastructure and no municipal storm ponds are proposed on the Subject Lands. The Stormwater Management Master Plan for the Block 34 East lands identifies a new municipal stormwater management pond (SWMP), on lands south of the Subject Lands. The City design standards dictate that the SWMP should control the urban stormwater runoff to

the target release rates established in the City's Master Plan and provide water quality treatment and erosion control. The Owner's proposal identifies that the Subject Lands will not facilitate any onsite water quantity control, necessitating oversized municipal storm sewers to convey the additional stormwater flow to the ponds. This approach is inconsistent with previous City decisions undertaken for similar developments requiring onsite water quantity controls. The absence of onsite water quantity controls has the potential to obligate the City to bare additional operational and maintenance and replacement costs for an oversized sewer system that has not yet been established.

The Addendum Submission by the Owner offered justification that the increase in the size of the municipal storm sewer was nominal, and operational and maintenance to be minimal in comparison to the costs of providing the on-site private storm water quantity controls. However, the operational and maintenance costs and future replacement costs of the increased sewer system necessary to verify the pipe diameter sizing were not provided by the Owner. In absence of this information, the DE Department is unable to verify the Owner's justification to permit oversized municipal sewers.

The DE Department requires the appropriate stormwater modelling information and all implementation, operation, maintenance and future replacement costs be supplied to support the Development. As the proposed pond is located on external lands, the Owner will be required to make arrangements with the landowners to the south through an agreement to facilitate the design and construction of the pond and related sewers to service the Subject Lands. The Owner will also be required to pay for all costs toward the additional operation and maintenance and future replacement costs of the oversized storm sewer, as necessary.

Grading Design/Erosion and Sediment Control

The grading, erosion and sediment control design drawings were submitted in support of the Subject Lands. The drawings should show all the services and property required to facilitate the new development, since infrastructure is necessary on external lands to service the Subject Lands, it should be reflected in the submission. This information will enable the City to confirm its operation and maintenance obligations for future municipal infrastructure including retaining walls, soil stability requirements or other proposed structures necessary to facilitate the development of the Subject Lands. The Owner will be required to reduce any impact of private infrastructure on municipal property and shall pay for all costs toward the additional operation and maintenance and future replacement costs, as necessary.

Environmental Engineering

A Phase One Environmental Site Assessment ('ESA') was undertaken and provided in support of the Applications for the Subject Lands. The Phase One ESA was reviewed, and its conclusions recommended a Phase Two ESA to investigate the potential environmental concerns associated with the possible application of pesticides from the farming activities and the historical storage of trucks at the central portion of the Subject Lands. As such, the DE Department noted within the December 2019 memorandum that the Phase Two ESA be undertaken and a copy of the report provided to the City for review, including a reliance letter.

A copy of a Remedial Action Plan ('RAP') was submitted and identified soil impacts at the central portion of the Subject Lands. The RAP indicated that impacted soil would be remediated through excavation, direct truck loading, and offsite disposal at a licensed landfill facility. In accordance with the City's Contaminated Sites policy, the Owner is required to file a Ministry of the Environment, Conservation, and Parks ('MECP') Record of Site Condition ('RSC') on the Environmental Site Registry for the Subject Lands and confirm the successful implementation and remediation of the Subject Lands. It was also noted the Subject Lands will require the development and conveyance of lands external to the Plan for stormwater management and roads. The requirements for ESA reports covering the development lands and the stormwater management pond lands along with the submission of an RSC are included as Conditions of Draft Plan of Subdivision approval.

Noise Impact Study

A Noise Impact Study ('NIS') to review any noise impacts from the development of the Subject Lands was not provided. The Owner shall submit a NIS to the City for review and approval of the Applications. The NIS shall reflect the proposed development of the Subject Lands based on current conditions (surrounded by open space) and future development conditions including the projected traffic volumes on existing and future roads, the impacts of Highway 400, the full buildout of Blocks 34 East and Block 27. Any mitigation measures identified by the NIS shall be implemented by the Owner to the satisfaction of City.

Development Charges apply to the Development

The Owner shall pay to the City the applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, York Region, York Region District School Board and the York Catholic District School Board. A condition to this effect is included in Attachment 1a of this report.

Cash-in-lieu of the Dedication of Parkland is required for the Development

The Owner is required to pay to the City of Vaughan, by way of certified cheque, a cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the Subject Lands, prior to the 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 Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment.

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. A condition to this effect is included in Attachment 1a of this report.

The Toronto and Region Conservation Authority has no objection to the Development, subject to Conditions of Approval

The TRCA has no objection to the Applications, subject to their conditions included in Attachments 1c and 4 of this report.

The TRCA supports, in principle, the PSWs being reclassified and relocated as it would result in a more robust system and net ecological gain, Should the PSWs not be reclassified then TRCA is also supportive of the Ministry of Municipal Affairs and Housing issuing an MZO based on a relocation and mitigation/ecosystem compensation strategy for the PSWs endorsed by MNRF, City of Vaughan and the TRCA. The TRCA agrees with the approach to keep the existing “A Agriculture Zone” for the PSWs and buffer lands and zone a portion of these lands “OS1 Open Space Conservation Zone” to accommodate the proposed Headwater Drainage Feature Function Compensation and Upland Enhancement Area. The TRCA’s Executive Committee will review the permit application required to facilitate the PSWs relocations under the *Conservation Authorities Act*. A permit approval may be subject to conditions.

Prior to final approval of the Draft Plan the Owner shall provide detailed design drawings for the proposed Headwater Drainage Feature Function Compensation and Upland Enhancement Area to the satisfaction of the City and TRCA.

Alectra Utilities Corporation, Bell Canada and Enbridge Gas Distribution have no objection to the Development, subject to Conditions of Approval

Alectra Utilities Corporation, Bell Canada and Enbridge Gas Distribution have no objection to the approval of the Applications, subject to their Conditions contained in Attachments 1d, 1e and 1f of this report.

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

Canada Post has no objection to the Development, subject to the Owner installing mailbox facilities and equipment to the satisfaction of Canada Post. Conditions to this effect are included in Attachment 1g of this report.

The Ministry of Transportation Ontario has no objection to the approval of the Development, subject to Conditions of Approval

The Ministry of Transportation Ontario has no objection to the Development, subject to the Owner satisfying their conditions of approval contained in Attachment 1h of this report.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region has no objection to the Development, subject to Conditions of Draft Plan of Subdivision and Site Plan Approval

The York Region Community Planning Department has no objection to the approval of the Applications, subject to their Conditions of Draft Plan of Subdivision Approval and Site Plan Approval contained in Attachments 1b and 3.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment, Draft Plan of Subdivision and Site Development Files Z.19.007, 19T-19V002 and DA.19.072 in consideration of the applicable policies of the Provincial Policy Statement 2014, A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, the YROP, VOP 2010, the 400 North Employment Lands Secondary Plan, Zoning By-law 1-88, comments from the public, City Departments and external public agencies, and the surrounding existing and planned land use context.

The proposed Development of the Subject Lands is consistent with the policies of the PPS and conforms to the Growth Plan, the YROP, and VOP 2010, specifically the 400 North Employment Lands Secondary Plan. The Development Planning Department can support the approval of the Applications, subject to the Recommendations in this report and the Conditions of Approval set out in Attachments 1, 2, 3, and 4.

For more information, please contact: Carol Birch, Planner, Development Planning Department, ext. 8485.

Attachments

1. Conditions of Draft Plan of Subdivision Approval
2. Conditions of Site Plan Approval (City of Vaughan)
3. Conditions of Site Plan Approval (York Region)
4. Conditions of Site Plan Approval (Toronto and Region Conservation Authority)
5. Location Map
6. Draft Plan of Subdivision File 19T-19V002 & Proposed Zoning
7. Site Plan (Phase 1)
8. Site Plan (Phase 2)
9. Landscape Plan
10. Building Elevations (Phase 1)
11. Building Elevations (Phase 2)

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