

Committee of the Whole (1) Report

DATE: Tuesday, January 19, 2021

WARD: 2

**TITLE: ANATOLIA INVESTMENTS CORP.
ZONING BY-LAW AMENDMENT FILE Z.18.027
SITE DEVELOPMENT FILE DA.18.067
9151 HUNTINGTON ROAD
VICINITY OF HUNTINGTON ROAD AND RUTHERFORD ROAD
(REFERRED)**

FROM:

Nick Spensieri, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To forward recommendations from the Council meeting of December 15, 2020 seeking approval for Zoning By-law Amendment and Site Development Files Z.18.027 and DA.18.067 (Anatolia Investments Corp.) for the Subject Lands shown on Attachment 2. The Owner proposes to rezone the Subject Lands from “A Agricultural Zone” to “EM1 Prestige Employment Area Zone”, “EM1(H) Prestige Employment Area Zone” with the Holding Symbol “(H)”, “EM2(H) General Employment Area Zone” with the Holding Symbol “(H)”, and “OS1 Open Space Conservation Zone” together with site-specific zoning Exceptions to permit the development of an employment building as shown on Attachments 3 to 5.

Report Highlights

- The Owner proposes to develop the Subject Lands with one employment building accessed from Huntington Road
- Zoning By-law Amendment and Site Development Applications are required to permit the development
- The report provides an update on the status of the Block 59 Block Plan conditions of approval
- The Development Planning Department supports the approval of the Applications as they will permit a development consistent with the Provincial Policy Statement, conforms to the Growth Plan, York Region Official Plan and the Vaughan Official Plan 2010 and is compatible with the existing and planned land uses in the surrounding area

Recommendations

Council, at its meeting of December 15, 2020 recommended the following (Item 10, Committee of the Whole, Report No. 61):

Council recommendation of December 15, 2020:

By approving that consideration of this matter be deferred to the Committee of the Whole meeting of January 19, 2021; and

By receiving the following communications:

- C4 John McGovern, Rice Group, Tiverton Court, Markham, dated December 11, 2020; and
- C11 Deputy City Manager, Infrastructure Development, dated December 15, 2020.

Committee of the Whole recommendation of December 8, 2020:

The Committee of the Whole recommends:

- 1) That consideration of this matter be deferred to the Council meeting of December 15, 2020; and
- 2) That the following Communications be received:
 - C2. Mr. Rosario Sacco, Block Engineer – Block 57/58 Landowners Group, Urban Ecosystems Limited, Weston Road, Woodbridge, dated November 30, 2020;

- C4. Mr. Joseph Sgro, General Manager and Partner, ZZEN Group of Companies Limited, Zenway Boulevard, Vaughan, dated November 30, 2020;
- C5. Mr. Joseph Sgro, General Manager and Partner, ZZEN Group of Companies Limited, Zenway Boulevard, Vaughan, dated December 2, 2020;
- C7. Ms. Susan Rosenthal, DAVIES HOWE LLP, Adelaide Street West, Toronto, dated December 7, 2020; and
- C10. Memorandum from the Deputy City Manager, Infrastructure Development dated December 7, 2020.

The Committee of the Whole, at its meeting of December 1, 2020 recommended the following (Item 6, Report No. 57):

Recommendation of the Committee of the Whole meeting of December 1, 2020:

The Committee of the Whole recommends that consideration of this matter be deferred to the Committee of the Whole meeting of December 8, 2020, to allow staff to report back on the issues raised.

Recommendations of the Deputy City Manager, Infrastructure Development, dated December 1, 2020:

Recommendations

1. THAT Zoning By-law Amendment File Z.18.027 (Anatolia Investments Corp.) BE APPROVED to amend Zoning By-law 1-88, to rezone the Subject Lands from "A Agricultural Zone" to "EM1 Prestige Employment Area Zone", "EM1(H) Prestige Employment Area Zone" with the Holding Symbol "(H)", "EM2(H) General Employment Area Zone" with the Holding Symbol "(H)", and "OS1 Open Space Conservation Zone", in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report.
2. THAT the Holding Symbol "(H)" shall not be removed from the Subject Lands or any portion thereof, until the following conditions are satisfied:
 - a) Draft Plan of Subdivision File 19T-18V011 is approved by Vaughan Council; and
 - b) All remaining Block 59 conditions of Block Plan approval as shown on Attachment 8.
3. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, before the second anniversary of

the day on which the implementing Zoning By-law for the Subject Lands comes into effect, to permit minor adjustments to the implementing Zoning By-law, if required.

4. THAT Site Development File DA.18.067 BE DRAFT APPROVED AND SUBJECT TO THE CONDITIONS included in Attachment 1 to the satisfaction of the Development Planning Department, to permit one employment building on the Subject Lands, identified as “Building 1” on Attachments 3 to 5

Report of the Deputy City Manager, Infrastructure Development, dated December 1, 2020:

Background

The subject lands (the ‘Subject Lands’) shown on Attachment 2 are located at the southeast corner of Huntington Road and Rutherford Road, and are known municipally as 9151 Huntington Road. Rainbow Creek also traverses the Subject Lands. The Subject Lands and the surrounding land uses are shown on Attachment 2.

The Owner owns other lands in Block 59, which are subject to concurrent Zoning By-law Amendment, Draft Plan of Subdivision and Site Development applications
The Owner has submitted Zoning By-law Amendment and Site Development Applications on two additional properties within the Block 59 area, shown on Attachment 2. These applications are being reviewed concurrently and form part of the December 8, 2020, Committee of the Whole agenda. The related Draft Plan of Subdivision Application as shown on Attachment 9 will be considered in a technical report at a future Committee of the Whole meeting.

Public Notice was provided in accordance with the Planning Act and Council’s Notification Protocol for the Applications

The City on January 11, 2019 circulated a Notice of Public Meeting to all property owners within 150 m of the Subject Lands shown on Attachment 2 and to the West Woodbridge Homeowners’ Association, the Kleinburg and Area Ratepayers’ Association, and the Greater Woodbridge Ratepayers’ Association. A copy of the Notice of Public Meeting was also posted on the City’s website at www.vaughan.ca and Notice Signs were installed on the Huntington Road and Rutherford Road street frontages, in accordance with the City’s Notice Signs Procedures and Protocols.

A Committee of the Whole (Public Meeting) was held on February 5, 2019 to receive comments from the public and Committee of the Whole. Vaughan Council on February 12, 2019 ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of February 5, 2019 and to forward a comprehensive report to a future Committee of the Whole meeting.

No written submissions regarding the Application were received by the Development Planning Department. Mr. Mark Yarranton, KLM Planning Partners Inc., Jardin Drive, Vaughan, made a deputation on behalf of the Owner, at the Public Meeting regarding the Applications.

Previous Reports/Authority

The following are links to previous reports regarding the Subject Lands:

Block 59 Committee of the Whole Report:

[June 16, 2020, Committee of the Whole \(Item 10 Report No. 25, Recommendations 1 to 9, adopted as amended by Vaughan Council on June 29, 2020\)](#)

Public Meeting (Applications) Report:

[February 5, 2019, Committee of the Whole \(Public Meeting\) \(Item 7, Report No. 8, Recommendation 1\)](#)

Block 59 Block Plan Application (File BL.59.2014) Public Meeting Report:

[June 17, 2014, Committee of the Whole \(Public Meeting\) \(Item 5, Report No. 32, Recommendations 1 to 3, adopted as amended by Vaughan Council on June 24, 2014\)](#)

Analysis and Options

Zoning By-law Amendment and Site Development Applications have been submitted to permit the development

Anatolia Investments Corp. (the 'Owner') has submitted the following applications (the 'Applications') to facilitate the development shown on Attachment 3 to 5. Two buildings have been proposed on the entirety of the Subject Lands, however, only Building 1 (the 'Development'), as identified in Attachment 3, is being considered at this time.

1. Zoning By-law Amendment File Z.18.027 to amend Zoning By-law 1-88, to rezone the Subject Lands from "A Agricultural Zone" to "A Agricultural Zone", "EM1 Prestige Employment Area Zone", "EM1(H) Prestige Employment Area Zone" with the Holding Symbol "(H)", "EM2(H) General Employment Area Zone", with the Holding Symbol "(H)", and "OS1 Open Space Conservation Zone", in the manner shown on Attachment 3, and to permit site-specific zoning exceptions identified in Table 1 of this report.

2. Site Development File DA.18.067, as shown on Attachments 3 to 5, to permit the development of one employment building identified as “Building 1” in Attachment 3.

The Development is consistent with the Provincial Policy Statement, 2020 (the ‘PPS’)

The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides for appropriate development while ensuring that public health and safety, and the quality of the natural and built environment are protected. In accordance with Section 3(5) of the *Planning Act*, all land use decisions in Ontario “shall be consistent with” the PPS.

The employment policies in Section 1.3.1 of the PPS state (in part) that, “Planning authorities shall promote economic development and competitiveness by:

- providing for an appropriate mix and range of employment and institutional uses to meet long-term needs
- providing 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, and take into account the needs of existing and future businesses
- ensuring the necessary infrastructure is provided to support current and projected needs

The Development utilizes an undeveloped site within the Block 59 Employment Area and will support employment uses. The Development complements and is compatible with the planned uses within the West Vaughan Employment Area and would provide diversified employment opportunities to meet the City’s long-term employment needs. The Subject Lands are also located in an area where servicing and infrastructure is available for the Development.

Section 2.6 Cultural Heritage and Archaeology of the PPS speaks to the conservation of significant built heritage resources. The Owner has demonstrated the heritage attribute, being the John Fleming House, will be preserved and has obtained approval from Heritage Vaughan and Vaughan Council for the proposed preservation, relocation and rehabilitation of the structure.

In consideration of the above, the Development is consistent with the PPS.

The Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended (the ‘Growth Plan’)

The Growth Plan is intended to guide decision-making on the development of land by encouraging compact built form, transit supportive communities, diverse land uses, and

flexibility to capitalize on new economic and employment opportunities while providing certainty for traditional industries. The Growth Plan encourages the concentration of population and employment growth within Settlement Areas and promotes the development of complete communities that offers a mix of jobs, amenities, services and housing types. In accordance with Section 3(5) of the *Planning Act*, Vaughan Council's planning decisions shall conform to the Growth Plan.

The Employment policies of Section 2.2.5.1 directs that economic development and competitiveness in the Greater Golden Horseshoe be promoted by:

- making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities
- integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment

Schedule 1 - Urban Structure of VOP 2010 identifies the Subject Lands as being located within "Employment Areas". The Development implements an employment use within a Settlement Area where municipal water and wastewater services are available and will contribute towards the development of employment lands in Block 59. Therefore, the Development conforms to the Growth Plan.

The Development conforms to the York Region Official Plan, 2010 (the 'YROP')

The YROP guides economic, environmental and community building decision making across York Region, and describes how York Region will accommodate future growth and development while meeting the needs of existing residents and businesses.

The Subject Lands are identified as "Urban Area" on Map 1: Regional Structure of the YROP, and permits a range of residential, commercial, employment and institutional uses, subject to additional policy criteria, and are identified as being within the "Strategic Employment Lands - Conceptual" by Figure 2: York Region Strategic Employment Lands of the YROP. Rutherford Road is also identified as a "Regional Transit Priority Network" by Map 11: Transit Network and a "Cycling Facilities on Regional Roads and Right-of-Ways" by Map 10: Regional Cycling Network of YROP. The north property line of the Subject Lands abuts Rutherford Road.

Section 4.3 contains policies with respect to Planning for Employment Lands to recognize employment lands are strategic and vital to the Regional economy and are major drivers of economic activity in the Region. As such, require local municipalities (i.e. Vaughan) designate and protect employment lands in local municipal official plan and protect, maintain and enhance the long-term viability of all employment lands designated in local municipal official plans for employment land uses.

Policy 4.3.6 states, “It is the policy of Council to protect strategic employment lands, including lands identified in Figure 2. These lands are identified based on their proximity to existing or planned 400-series highways and shall be designated for employment land uses in local municipal official plans.”

Policy 4.3.14 also requires local municipalities, in consultation with York Region, prepare comprehensive secondary plans for new employment lands.

The Development would facilitate employment uses where employment lands have been identified and designated in the Vaughan Official Plan, 2010 (‘VOP 2010’). The Subject Lands form part of the VOP 2010, Volume 2, Section 11.9 - the West Vaughan Employment Area Secondary Plan as required for new employment lands. The Development conforms to the policies of the YROP.

The Development conforms to the Vaughan Official Plan, 2010 (‘VOP 2010’)

The Subject Lands are designated “Prestige Employment” (west of the valley), “General Employment” (east of the valley), “Natural Areas”(valley and Rainbow Creek) and “Utility” by VOP 2010, Volume 2, Section 11.9 - the West Vaughan Employment Area Secondary Plan (“WVEASP”). Schedule 1 of VOP 2010 also identifies the Subject Lands as an “Employment Area” and “Natural Area and Countryside”.

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 do not require outside storage. Outside storage is not permitted within the “Prestige Employment” designation. Office uses, limited retail uses, and gas stations are also permitted in the “Prestige Employment” designation, subject to meeting certain criteria outlined in VOP 2010. Employment Industrial Buildings are also a permitted building type within the “Prestige Employment” designation.

Section 2.7 Site Specific Policies of the WVEASP indicate the area used for the placing or parking of transitory vehicles, trucks, tractors and trailers used for the conveyance of goods and materials to and from the distribution warehouse use on the lot shall not be considered to be outside storage for lands identified on Schedule 3 “Land Use” of the WVEASP.

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, but not used for the sole purpose of outside storage. Accessory office and/or retail uses, and gas stations are also permitted in the “General Employment” designation, subject to meeting certain criteria outlined in VOP 2010. Employment Industrial Buildings are also a permitted building type within the “General Employment” designation.

The manufacturing and/or warehousing uses are proposed within wholly enclosed employment/industrial buildings in the “Prestige Employment” and “General Employment” designations with the exception of transitory vehicles, trucks and trailers associated with distribution warehouse uses.

The “Natural Areas” designation identifies portions of the City being part of the Natural Heritage Network. The policies of VOP 2010 require that the Natural Heritage Network be protected and enhanced, as an interconnected system of natural features and the functions they perform. The “Natural Areas” designation on the Subject Lands are specifically identified as a “Core Feature” by VOP 2010. The location of Rainbow Creek coincides with the “Natural Areas” designation on the Subject Lands and will be incorporated into the valley blocks together with the environmental buffer blocks in the related Draft Plan of Subdivision application.

The policies of VOP 2010 require that Core Features and their minimum vegetation protection zones be dedicated to an appropriate public agency (e.g. the City or the Toronto and Region Conservation Authority - ‘TRCA’) at no public expense, through the development approval process. The conveyance of these lands will be secured through the related Draft Plan of Subdivision application to ensure that the integrity of ecological systems on or within direct proximity to the Subject Lands will be maintained. The development limits of the Subject Lands, including all the natural heritage features and hazards, have been determined through the Block Plan process in accordance with the policies of VOP 2010 and the WVEASP.

The “Utility” designation coincides with the hydro corridor shown on Attachment 2. This designation permits all uses and structures associated with the provision of a utility or municipal service and secondary uses such as passive or active recreation, community gardens, other utilities, parking lots and outdoor storage accessory to adjacent land uses subject to the review/approval of the utility provider. There is no development proposed within the hydro corridor.

The Development is permitted by the “Prestige Employment”, “General Employment”, “Natural Areas” and “Utility” land use designations.

The Development (Building 1) as shown on Attachment 3 to 5 respects the following design criteria in accordance with Section 9.1.2.10 a) through h) of VOP 2010, (in part):

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

- a. 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;
- b. provide safe and direct access to buildings for pedestrians, cyclists and transit users;

- c. maximize the placement of buildings along the frontage of lots facing public streets and have regard for appropriate landscaping;
- d. limit surface parking between the front face of a building and the public street or sidewalk;
- e. provide safe and direct pedestrian walkways from the public street and parking areas to main building entrances;
- f. buffering and screening any surface parking areas from all property lines through the use of setbacks and landscaping;
- g. buffering and screening any outdoor storage areas, where permitted, through the use of setbacks, landscaping and fencing; and
- h. provide appropriate parks and open spaces as set out in Section 7.3.”

The Development shown on Attachment 3 to 5 respects the design criteria above by providing a building to accommodate a range of employment uses, providing safe and direct access to buildings for a variety of transportation modes, appropriate built form, landscaping and setbacks. The proposed uses and the Development conform to the policies of VOP 2010.

The Development conforms to the final Block Plan, Urban Design Guidelines, Architectural Design Guidelines, and Landscape Master Plan for the Block 59 Area

Section 10.1.1 of VOP 2010, Volume 1 states a Block Plan is required for all Secondary Plans. Vaughan Council, on June 17, 2014 considered the draft Block 59 Plan at a Public Meeting (File BL.59.2014). Council on June 29, 2020 considered and approved the application for the Block Plan, and the Block 59 Plan dated December 10, 2019, subject to the fulfillment of Block Plan conditions of approval. Two of the 9 recommendations contained in the June 16, 2020 report recognized that through the fulfillment of the Block Plan conditions, the final Block Plan may require updating:

- The Block 59 Plan be modified as required through the resolution of conditions identified in Attachment 1 of that report
- Any changes resulting from the fulfillment of the conditions be made prior to any future approval of a Zoning By-law Amendment application or draft approval of a Draft Plan of Subdivision or Site Development application.

Condition 1 of Block Plan approval also recognizes the final Block Plan shall relate to the draft Block 59 Plan dated December 10, 2019. Two changes have been reflected in the final Block 59 Block Plan, dated September 3, 2020 as shown on Attachment 6. The Land Use Distribution has also been updated to reflect these changes as shown in Attachment 7.

The final Block 59 Block Plan identifies the Subject Lands as “Prestige Employment”, “General Employment”, “Natural Heritage Feature”, “Hydro Easement” and “10 m Buffer”. Street “F” is also identified and will be future development on the Subject Lands.

The final Block 59 Plan shown on Attachment 6 is generally consistent with the Block Plan dated December 10, 2019 and reflects the following modifications for areas outside of the Subject Lands:

- The area of the “Prestige Employment” designation has been reduced in the southwest quadrant of the Block (part of Parcel #17 on the final Block Plan). This modification accurately reflects the extent of the “Prestige Employment” designation and reflects the “General Employment” designation as shown in the WVEA Secondary Plan. In doing so, the extent of land uses designation shown through the current development applications, are consistent with the final Block Plan for the southwest quadrant of Block 59.
- Street ‘L’ connecting Line Drive to Highway 27 in the southeast quadrant of Block 59 as shown on Attachment 6, was previously shown as “proposed” and is now being shown as part of the Block Plan. This change reflects the Traffic and Transportation Study update (October 2020) including Street ‘L’ as part of the transportation network and has been approved to the satisfaction of York Region and the City of Vaughan.

A number of Block 59 Block Plan conditions of approval have been satisfied as shown on Attachment 8. The Policy Planning and Environmental Sustainability Department (‘PPES’) and the Development Engineering (‘DE’) Department have reviewed the outstanding conditions and are satisfied they can be appropriately addressed in advance of consideration of the related Draft Plan of Subdivision application and lifting of the Holding Symbol “(H)” from the Subject Lands, and/or become a condition of the related Draft Plan of Subdivision approval.

The proposed development conforms to the approved Block 59 Plan.

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

The Subject Lands are zoned “A Agricultural Zone” by Zoning By-law 1-88 as shown on Attachment 2. The “A Agricultural Zone” does not permit the Development. The Owner proposes to amend Zoning By-law 1-88 to rezone the Subject Lands to “A Agricultural Zone”, “EM1 Prestige Employment Area Zone”, “EM1(H) Prestige Employment Area Zone” with the Holding Symbol “(H)”, “EM2 General Employment Area Zone” with the Holding Symbol “(H)”, and “OS1 Open Space Conservation Zone” together with the following site-specific zoning exceptions to the EM1 and EM2 Zone Standards:

Table 1

	Zoning By-law 1-88 Standard	'EM1 Prestige Employment Area Zone' Requirements	Proposed Exceptions to the 'EM1 Prestige Employment Area Zone' Requirements
a.	Permitted Uses	not permitted in the EM1 Zone	The following uses shall be permitted in the EM1 Zone for Blocks 1 and 2 (shown on Attachment 9), subject to: The gross floor area of any single unit shall not exceed 185m²; The total gross floor area of all uses on any one lot shall not exceed 20% of the total gross floor area of all uses on the lot or 1,000 square metres, whichever is less • Eating Establishment /Outdoor Patio
	Zoning By-law 1-88 Standard	'EM1 Prestige Employment Area Zone' Requirements	Proposed Exceptions to the 'EM1 Prestige Employment Area Zone' Requirements

			• Eating Establishment Convenience/ Drive-Through with Outdoor Patio • Eating Establishment take out/outdoor patio • Store, Convenience Retail • Personal Service Shop • Financial Institution • Education or Training Facility • Automobile Gas Bar (only at corner of Huntington and Rutherford) • Automobile Service Stations • Car Wash
b.	Minimum Landscape Strip Abutting an OS1 Zone	7.5 m	1.5 m (Building 1)
	Zoning By-law 1-88 Standard	'EM2 General Employment Area Zone' Requirements	Proposed Exceptions to the 'EM2 General Employment Area Zone' Requirements
c.	Minimum Landscape Strip Abutting an OS1 Zone	7.5 m	2.9 m (Building 2)
	Zoning By-law 1-88 Standard	'EM1 and EM2 Zone' Requirements	Proposed Exceptions to the 'EM1 and EM2 Zone' Requirements

d.	Minimum Required Parking	Warehousing: 1 parking space / 100 m ² GFA <u>Building 1</u> 23,211.26 m ² x 1 space/100 m ² =233 spaces <u>Building 2</u> 24, 299.04 m ² x 1 space/100 m ² =243 spaces Employment Uses other than Warehousing (greater than 3700 m ² GFA): 1.5 parking spaces / 100m ² GFA plus 2.0 parking spaces per 100m ² GFA devoted to ancillary office use, plus the requirements for any other use, or 3.5 parking spaces per unit, whichever is greater Employment Uses other than Warehousing (equal or less than 3700 sq. m. GFA): 2.0 parking spaces / 100 sq. m. GFA or 3.5 parking spaces per unit, whichever is greater	Warehousing: 0.7 parking spaces / 100 m ² GFA <u>Building 1</u> 23,211.26 m ² x 0.7 spaces/100 m ² =163 spaces <u>Building 2</u> 24, 299.04 m ² x 0.7 spaces/100 m ² =171 spaces Employment Uses other than Warehousing: 0.7 parking spaces / 100 m ² GFA
e.	Outside Storage of Trucks and Trailers, Accessory to a Distribution Warehouse Use	Not permitted in an EM1 Prestige Employment Area Zone	Trucks and trailers accessory to a distribution warehouse use shall not be considered outside storage in an EM1 Prestige Employment Area Zone

The Development Planning Department can support the zoning exceptions in Table 1 on the following basis:

The proposed Employment Zones implement the policies of VOP 2010 for the Subject Lands and are therefore considered appropriate. The Holding Symbol “(H)” is proposed for the lands located east of the valley to be lifted upon a number of conditions being satisfied, including approval of the related Draft Plan of Subdivision Application (File 19T-18V011) for the Blocks.

The requested zoning exceptions in Table 1 are consistent with exceptions for other employment development in the area. The exception for outside storage conforms with Section 2.7 Site Specific Policies of the WVEASP which permits the placing of trucks and trailers accessory to a distribution warehouse and shall not be considered outside storage. Notwithstanding the statement above, solid screening in the form of a combination of landscaping and fencing shall be required along the lot line abutting any Open Space Zone to screen the future trail and open space from any vehicles and equipment associated with the distribution and warehouse uses. A provision to this effect will be included in the implementing Zoning by-law.

In consideration of the above, the Development Planning Department can support the proposed zoning exceptions.

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 to the Committee of Adjustment for a Minor Variance application within two years of the day on which a Zoning By-law was amended. The Planning Act also permits Council to pass a resolution to allow a landowner to apply for a Minor Variance application(s) within 2 years of the passing of the zoning by-law amendment.

Should Council approve Zoning By-law File Z.18.027, the Development Planning Department has included a Recommendation to permit the Owner to apply for a Minor Variance application(s) if required, in advance of the two-year moratorium in order to address minor zoning deficiencies that may arise through the finalization and construction of the Development. A condition to this effect is included in the Recommendation of this report.

The Development Planning Department supports the Site Development Application, subject to the Recommendations of this report
Site Plan

The Owner seeks approval for “Building 1”, abutting Huntington Road, as shown on Attachment 3 to 5 as part of this approval for Site Development File DA.18.067. The remaining Development identified as “Future Development” on Attachment 3 will be considered in a future technical report for Council’s consideration.

Building 1 consists of 2 Phases as shown on Attachment 3 as is oriented parallel to Huntington Road. Pedestrian connections are proposed throughout the parking areas and will interconnect to the proposed sidewalk/multi-use path along Huntington Road and provide safe pedestrian permeability into the site. Parking is located along the front of the building and truck loading occurs on the east elevation. The final site plan including the design for the boulevards shall be to the satisfaction of Development Planning.

Building Elevations

The proposed one-storey employment building elevation shown on Attachment 5 include a combination of a glazing, ribbed precast concrete and composite metal panels. Staff recommends additional design elements such as building recesses and protrusions, and materiality be used to enhance and articulate the facades of the building facing Huntington Road and a combination of an architectural wall and/or landscaping be provided to screen the truck loading area. The final building elevations shall be to the satisfaction of the Development Planning Department.

Lighting

Light spillage needs to be minimized to 0.0lux to the property line towards the valley while 5.0 lux is achieved along barrier-free pathways and 2.0 lux on all other pedestrian areas.

Landscape Plan

The proposed landscape plan is shown on Attachment 4 and consists of a variety of deciduous and coniferous trees, shrubs and ornamental grasses. The traffic islands shown on the landscape plan must be revised to include sufficient salt tolerant trees species and soil volume to provide appropriate landscaping. The Owner is required to provide the updated information as requested and the final Landscape Plan and cost estimates should be to the satisfaction of the Development Planning Department.

Sustainability Performance Metrics

The Owner has submitted a Sustainability Performance Metric scoring tool. A revised Sustainability Performance Metric scoring tool and cover letter must be submitted to demonstrate how the development achieves the minimum Sustainability Performance Metric ('SPM') application score of 31 points for Bronze level.

Cultural Heritage

The Subject Lands include an existing 2-storey dwelling known as the John Fleming House, a barn, and 3 accessory buildings. The barn and accessory buildings are proposed to be demolished and the dwelling is proposed to be relocated on the Subject Lands and restored for another yet to be determined compatible use. Vaughan Council on September 29, 2020 approved the recommendation of Heritage Vaughan to approve the proposed preservation, relocation and rehabilitation of the John Fleming House.

Prior to the execution of the Site Plan Agreement the Owner shall provide registered confirmation of clearance of Archaeological Assessment conditions and requirements for the entire area affected by the proposed development from the Ontario Ministry of Heritage, Sport, Tourism, Culture Industries. A Condition to this effect is included in Attachment 1.

Arborist Report and Tree Preservation Plan

An Arborist Report was submitted with the Applications, which identifies the number, species, condition, and size (diameter) of the existing private trees that will be preserved or removed from the Subject Lands, including the existing municipal trees proposed to be preserved or removed from the lands immediately abutting the Subject Lands.

The Arborist Report must be revised to identify the tree replacement costs and requirements to conform with City standards to confirm tree compensations costs and the Owner must enter into a Tree Protection Agreement with the City prior to the execution of the Site Plan Agreement.

The Owner must satisfy all outstanding comments prior to the execution of the Site Plan Agreement and the Development Planning Department must approve the final site plan, landscape plan and details, landscape cost estimate, arborist report, tree preservation plan and building elevations. A condition to this effect is included in Attachment 1. The Development Planning Department is satisfied with the Development, as shown on Attachments 3 to 5, subject to the above-noted conditions included in the Recommendations of this report.

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

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

Transportation Engineering

The Owner has submitted a Transportation Impact Study (including a parking assessment) completed by NexTrans dated June 2020. Currently, the Development is only for Building 1 in advance of the construction of future roads internal to Block 59 and subsequent developments. The proposed Development includes three (3) access points on Huntington Road with 198 parking spaces for Building 1. The Transportation Impact Study also included a parking assessment in support of 0.7 spaces/100m². The parking assessment prepared by NexTrans concludes the proposed parking supply would be sufficient for the Development's specific requirements since the proposed parking rates are justified based on the proxy site survey and the "Review City of Vaughan's Parking Standard" completed by IBI Group for the City.

The DE Department is generally satisfied with the overall findings of the Transportation Impact Study. However, the Owner shall submit an addendum to the Transportation Impact Study addressing Building 1 with exclusive access from Huntington Road, prior to final Site Plan approval.

Huntington Road Urbanization

The City of Vaughan completed a Schedule 'C' Municipal Class Environmental Assessment (EA) Study for road improvements along Huntington Road to accommodate population and employment growth in western Vaughan.

The Huntington Road Urbanization project through the City's Infrastructure Delivery Department has scheduled the work to be completed in three (3) separate phases, with Phase 1 (Langstaff to Rutherford) tentatively scheduled for construction between 2023 & 2024.

The proposed improvements include widening to accommodate a 26m urbanized right-of-way (ROW) complete with a total of four lanes, intersection improvements, street lighting, 3m multi-use trail, boulevard, and landscaping on the east side of Huntington Road, 1.5m sidewalk, boulevard, and landscaping on the west side of Huntington Road, and various utility upgrades.

To accommodate the Huntington Road Urbanization project, the Owner of the Subject Lands shall convey the required lands fronting Huntington Road to the City at no cost and free of charge and encumbrances.

Noise

A Noise Impact Study ('NIS'), prepared by Valcoustics Canada Ltd., dated May 22, 2020, was prepared in support of the Applications. It concluded:

The noise source with potential for impact at the proposed Development is road traffic on Rutherford Road, Huntington Road and the future Highway 427 extension. The main noise sources associated with the proposed Development with the potential to create significant noise impact at the neighbouring receptors are the truck and forklift movements on Subject Lands, activities at the loading docks, and the rooftop mechanical units. The indoor noise criteria at the proposed Development are predicted to be met using exterior wall and window construction meeting the minimum non-acoustical requirements of the Ontario Building Code ('OBC'). The analysis shows the sound emissions from the proposed industrial Development are predicted to meet the stationary noise guideline limits without any additional noise mitigation measures.

There is an existing dwelling to the south of the Subject Lands where the noise guideline limits are predicted to be exceeded. It is understood that the dwelling will be demolished as part of the redevelopment of that site to industrial use. It is also

understood that the dwelling will be permanently vacated before the proposed warehouses are operating. The dwelling has therefore not been included as a noise sensitive receptor as part of the NIS. The Owner shall update the NIS to include the existing dwelling as a noise sensitive receptor in the event the dwelling will continue to be used as a residential dwelling when the warehouses are operational.

The tenants for the warehouses are currently not known. The analysis was completed using operating information provided by Anatolia Capital Corp. for similar facilities that they have developed. The analysis should be updated if the proposed operations are significantly different than those described and assessed herein.

Municipal Servicing

A Functional Servicing & Stormwater Management Report ('FSR/SWM'), prepared by Schaeffers Consulting Engineers, dated June 2020, was submitted in support of the Applications:

a) Water Supply

The Subject Lands are proposed to be situated within Pressure District 6 ('PD6') of the York Water Supply System according to the Master Environmental Servicing Plan ('MESP') for Block 59.

The Development of Building 1 is proposed to be serviced by a 200mm diameter water service connection via tapping tee and valve directly from the existing 400mm diameter watermain within Huntington Road and complete with a proposed City Standard W-111 Backflow Chamber.

b) Sanitary Servicing

Pursuant to Block 59 MESP, Building 1 is proposed to be serviced by a sanitary sewer service connection, control maintenance hole and internal drop structure discharging to the existing 1500mm diameter maintenance hole within Huntington Road and conveying flows through the existing 750mm diameter trunk sewer.

c) Storm Drainage

Building 1 is proposed to be serviced by a direct connection to Rainbow Creek complete with a control maintenance hole and jellyfish filter unit for quality control prior to discharge and is subject to review and approval from the Toronto and Region Conservation Authority ('TRCA'). On-site stormwater storage will be available within the Development through stormwater storage tanks/infiltration chambers, surface ponding and oversized pipes with the use of orifice tubes to control stormwater flow rates upstream of Rainbow Creek.

Environmental Site Assessment ('ESA')

The Environmental Engineering Department has reviewed Phase 1 and 2 Environmental Site Assessments ('ESA') prepared by WSP. The findings of the ESA

reports identified soil impacted with elevated petroleum hydrocarbon compounds within the fill stockpiles located on the central northern portion of the Subject Lands.

The Owner subsequently submitted a Remedial Action Plan which proposed excavation of the stockpile material and off-site disposal. Given the required remediation, the Owner shall be required to file for a Ministry of the Environment, Conservation, and Parks ('MECP') Record of Site Condition (RSC) for the entirety of the Subject Lands in accordance with the City's Contaminated Sites Policy. A condition to this effect is included in Attachment 1.

Grading Design/Erosion and Sediment Control

The existing topography indicates a grade differential from Huntington Road east towards Rainbow Creek requiring the Development to implement grading measures such as curbs, 2m high retaining walls and sloping towards Rainbow Creek and is subject to review and approval from the TRCA.

The *Erosion & Sediment Control Guidelines for Urban Construction (December 2006)* Guideline was created as a consolidated document that best suits jurisdictions within the Greater Golden Horseshoe Area Conservation Authorities for common usage in land development, construction and water management.

Erosion and sediment control mitigation measures are to be implemented during construction to minimize silt laden runoff discharge from the Subject Lands in accordance with the aforementioned document.

Block 59 Developer's Group Agreement

Prior to development of subsequent phases of the Subject Lands, the Owner and/or Block 59 Landowners Group shall enter into any agreement(s) with the City necessary to construct Stormwater Management Pond W2, storm sewers, sanitary sewers, temporary sanitary pumping station ('TSPS'), watermains, future roads internal to Block 59 and associated works to provide connections to the Development, including necessary securities, conveyance of lands both internal and external (unless alternative arrangements are made), all to the satisfaction of the City.

The Financial Planning and Development Finance Department advises Development Charges ('DCs') are applicable for the Development

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

Cash-in-lieu of the dedication of parkland is not required

The Office of Infrastructure Development Department, Real Estate Services advises 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.

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

The Parks Planning Department has no objection to the Development subject to warning clauses to be placed within all Offers of Agreement of Purchase and Sale or Lease for all lots abutting the Open Space Zones. Conditions to this effect are included in Attachment 1.

Parks Planning staff are seeking the provision of an off-road multi-use recreational trail within the Subject Lands, specifically within the open space/valleyland to connect into the local trail network and into the overall pedestrian and bicycle network in the City. As the final location and alignment of the trail has yet to be determined, a blanket easement on the entire open space/valleyland system and buffer blocks on the subject property will be required as part of the related Draft Plan of Subdivision File 19T-18V011 for the purposes of constructing and maintain a publicly accessible trail in the valley system.

The Forestry Operations Division has no objection to the Applications, subject to Conditions of Approval

A Private Property Tree Removal and Protection Permit is required. The Forestry Operations Division of the Parks, Forestry and Horticulture Operations Department has no objection to the Development subject to the Owner informing the Forestry Operations Division once tree protection measures have been installed for inspection and approval according to City specifications. Conditions to this effect are included in Attachment 1.

The Policy Planning and Environmental Sustainability ('PPES') Department has no objection to the Development, subject to Conditions of Approval

The Owner is required to prepare a brief assessment to identify measures to minimize impact to the surrounded habitat area and overall ecosystem and provide fencing along the outermost limit of the natural heritage system to the satisfaction of the City.

The Block Plan Environmental Impact Study ('EIS'), identified Species at Risk nesting habitat for Barn Swallow on the Subject Lands. Further, the woodlands are candidate bat maternity colonies and Species at Risk Bat Habitat. The Owner should confirm Species at Risk requirements for the Subject Lands and the need for an Overall Benefit Permit. The Ministry of Environment, Conservation and Parks ('MECP') should be contacted in this regard. Conditions to this effect is included in Attachment 1.

The Toronto and Region Conservation Authority ('TRCA') has advised in principle of no objection to the Zoning By-law and the Site Development Application

Portions of the Subject Lands are located within the TRCA's regulated area. The "Natural Areas" designation recognizes Rainbow Creek located on the Subject Lands.

By way of correspondence dated November 10, 2020 the TRCA advised in principle, it has no objection to the Applications. The Owner has entered into an understanding with the TRCA, recognizing that changes to the site plan may result from the technical review of a required Erosion Impact Assessment. The TRCA will provide final conditions of Site Plan Approval (as required) upon the satisfactory review of the EIA and all other technical reports. A condition is included in Attachment 1 that requires the Owner to satisfy all requirements of the TRCA.

Prior to the TRCA's final approval of the site plan, the following is required:

1. A continuous simulation erosion impact assessment ('EIA') that is conducted based on the findings of the Rainbow Creek Master Plan Update Study (2013) with the updated site constraints outlined in the Functional Servicing Reports related to on-site retention, and a new stormwater management strategy for erosion control that does not exceed the erosive targets as set out in the Master Plan Update Study. Further, the study areas will need to show, conceptually, the ability to meet the targets as outlined in the updated stormwater management strategy determined through the continuous simulation modelling, prepared to the satisfaction of the TRCA.
2. The Owner shall submit a detailed engineering report (or reports) and plans to the satisfaction of TRCA in accordance with the approved Master Environmental Servicing Plan by *Cole Engineering* as may be amended in the future to the satisfaction of TRCA and the City of Vaughan. This submission shall include:
 - a) a description of the storm drainage system (quantity and quality) for the proposed development;
 - b) plans illustrating how this drainage system will tie into surrounding drainage systems, i.e., identifying if it is part of an overall drainage scheme, how external flows will be accommodated, the design capacity of the receiving system;
 - c) appropriate stormwater management techniques which may be required to control minor and major flows;
 - d) appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to the natural

system, both aquatic and terrestrial, including any outfalls to the natural heritage system;

- e) that best efforts be provided to maintain pre-development recharge in accordance with the REC-1 Policy of the Credit Valley, Toronto and Region and Central Lake Ontario ('CTC') Source Protection Plan including Low Impact Development (LID) measures to promote infiltration, reduce run-off and maintain water balance for the plan area;
 - f) detailed plans and calculations for the proposed lot-level, conveyance, and end-of-pipe controls to be implemented on the site;
 - g) proposed measures to maintain feature-based water balance and to mitigate impacts to those natural features that have been assessed to be likely impacted by the Development;
 - h) an evaluation that addresses the need for groundwater dewatering during construction, including but not limited to details for its disposal, potential impacts to natural features due to groundwater withdrawal, mitigation and any permitting requirements;
 - i) grading plans for the subject lands;
 - j) an erosion and sediment control report and plans for the subject lands that includes proposed measures for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction;
 - k) the location and description of all outlets and other facilities or works which may require permits from TRCA pursuant to the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 166/06), as may be amended; and
 - l) a response indicating how TRCA's detailed comments on the Site Plan Application have been addressed and incorporated into the detailed engineering report (or reports) and plans.
3. That a geotechnical engineer confirm the long-term stability of the proposed grading with a minimum factor of safety of 1.5. The geotechnical engineer is required to provide a supplementary geotechnical report / letter for the geotechnical and stability review of the grading plan and all sections.
4. As per the letter by Schaeffer (dated September 11, 2020), it is understood that the design will be revised to reduce the ponding areas so that they do not have impact on the retaining walls. Such revised design needs to be developed and implemented to reduce the ponding areas behind the retaining walls (to minimize any impacts to the retaining walls).

5. At the detailed design stage, the engineer-stamped drawings for the retaining walls as per the design of the retaining walls must be provided by a civil / structural engineer; *Given that the retaining walls are behind the 10m setback, the review of the structural design of the retaining walls can be deferred to the municipality.*
6. That this site plan be subject to red-line revision(s) in order to meet the requirements of TRCA's conditions of site plan approval, if necessary, to the satisfaction of TRCA.
7. That buffer restoration plans, and compensation planting plans (as outlined in the MESP) will be designed to the satisfaction of TRCA.
8. That all proposed road crossings will be designed in conformance with TRCA's Crossing Guidelines for Valley and Stream Corridors, 2015 to the satisfaction of TRCA.
9. That prior to the final approval of this site plan or any phase thereof, the Owner obtain all necessary permits from TRCA pursuant to the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 166/06), as may be amended, to the satisfaction of TRCA.

The lands proposed to be zoned "OS1 Open Space Conservation Zone" should be dedicated to either the TRCA and/or the City of Vaughan, to the satisfaction of the TRCA.

The Ministry of Transportation of Ontario ('MTO') has no objection to the Development, subject to the following Condition of Approval

The MTO has reviewed the Applications and provided no comments or concerns with respect to the Zoning By-law Amendment application. However, the Subject Lands are located within the MTO Permit Control Area and the following comments will apply to the Site Development Application:

- MTO permits are required for all buildings located within 46 m from the Highway 427 Future Transit property line and a radius of 365 m from the centre point of the Highway 427 Future Transitway and Rutherford Road, prior to any construction being undertaken. Permit applications are available on the MTO website.

The MTO has no objection to the Development, subject to the above-noted requirements.

TC Energy ('TC') has no objection to this Development

TC has reviewed the Applications and advises they have no comments or objection to the Development.

Hydro One Networks Inc. ('HONI') has no objection to the Development, subject to Conditions of Approval

The Subject Lands include a HONI high voltage transmission corridor ('transmission corridor') to the east. As such, HONI advises that the transmission corridor lands affected by the Development are subject to a statutory right in favour of HONI pursuant to Section 114.5(1) of *The Electricity Act, 1998*, as amended. The owner of these lands is Her Majesty, The Queen in Right of Ontario, as represented by The Minister of Infrastructure ('MOI'). Ontario Infrastructure and Lands Corporation ('OILC') as agent for the Province, must review and approve all secondary land uses such as roads proposed on the Subject Lands. HONI is currently acting as a service provider to OILC and undertakes this review on their behalf.

HONI also advises the Owner the transmission lines within the Subject Lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the *Occupational Health and Safety Act* ('OHSA'), requires no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the Owner's responsibility to be aware, and to make all personnel on site aware, all equipment and personnel must come no closer than the distance specified in the OHSA. HONI also advises the Owner that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

HONI has requested clauses regarding development adjacent to the hydro right-of-way be included in the Site Plan Agreement. These conditions are included in Attachment 1.

Bell Canada has no objection to the Development, subject to the following Condition of Approval

Bell Canada advises the Owner to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the Development and prior to commencing any work, the Owner must confirm sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Owner shall be required to pay for the connection to and/or extension of the existing communication/ telecommunication infrastructure. A condition to this effect is included in Attachment 1.

Bell Canada also requests the following be included in the conditions of approval:

"The Owner shall grant to Bell Canada, in words satisfactory to Bell Canada, any easements that may be required, which may include a blanket easement, for

communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements”.

Canada Post has no objection to the Development

Canada Post has no objection to the Development and will install mailboxes and pads as the need arises.

Canadian Pacific Railway has no objection to the Development

Canadian Pacific Railway has reviewed the submission and has no objection to the Development.

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

Enbridge Gas and Alectra Utilities have no objection to the Application, subject to the Owner coordinating servicing, connections, easements with the above noted utilities prior to the commencement of any site works. A condition to this effect is included in Attachment 1.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region Community Planning and Development Services has no objection to the Development, subject to a Condition of Approval

York Region has indicated they have no objections to the Applications, subject to the Owner achieving final approval from York Region after Council endorsement, but prior to the issuance of any Building Permits. A Condition to this effect is included in Attachment 1.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment and Site Development Files Z.18.027 and DA.18.067 in consideration of the policies of the Provincial Policy Statement, the Growth Plan, the York Region Official Plan and Vaughan Official Plan 2010 policies, the requirements of Zoning By-law 1-88, Heritage Vaughan’s recommendations, comments from City Departments, external public agencies, and the surrounding area context. The Development is consistent with the policies of the PPS, conforms to the Growth Plan and the York Region Official Plan, and implements the West Vaughan Employment Area Secondary Plan policies.

The Development Planning Department is satisfied the Development shown on Attachments 3 to 5, is compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department supports the approval of the Applications, subject to the Recommendations in this report and the Conditions of Approval included in Attachment 1.

For more information, please contact: Jennifer Kim, Planner, Development Planning Department, ext. 8592.

Attachments

1. Conditions of Site Plan Approval
2. Context and Location Map
3. Proposed Zoning and Site Plan
4. Landscape Plan
5. Building 1 Elevations
6. Final Block 59 Block Plan, September 3, 2020
7. Block 59 Plan, Land Use Distribution
8. Status of Block Plan Conditions of Approval
9. Related Draft Plan of Subdivision File 19T-18V011
10. Communication C8 from CW (1) December 1, 2020
11. Coloured Rendering
12. Communications C2, C4, C5, C7 and C10 from the Committee of the Whole meeting of December 8, 2020
13. Communications C4 and C11 from the Council meeting of December 15, 2020

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