

DEPUTATION REQUEST

COMMITTEE OF THE WHOLE

MARCH 12, 2020

Subject: Planning for Employment and Employment Conversions

Spokesperson: Debra Walker, MHBC Planning Urban Design & Landscape Architecture

Name of Group or person(s) being represented (if applicable):

Owners of 10351, 10431, 10445 and 10475 Keele Street, City of Vaughan

Brief summary of issue or purpose of deputation:

To advise the Committee that our client's lands (as well as lands adjacent thereto) were either accidentally, or improperly, excluded from the 2017 York Region Employment Area Inventory and that this exclusion has been carried forward in the above-noted Staff Report (Attachments 4 and 5) currently before you for consideration. We write to request that this be corrected by properly identifying these lands as an Employment Area.

(Attachment)

OFFICE OF THE REGIONAL CLERK

1-877-464-9675 x. 71320

york.ca



March 10, 2020

Regional Clerk
The Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Dear Regional Clerk:

RE: "Planning for Employment and Employment Conversions" Report to the Committee of the Whole (March 12, 2020)
Request to identify Employment Lands as Employment Area
Comment Submission on behalf of Maple Industrial Landowner Group (MILG)
10351, 10431, 10445 and 10475 Keele Street, City of Vaughan
OUR FILES: 9061BQ, 0818E, 13115A

Summary of Submission: We write to advise the Committee that our client's lands (as well as lands adjacent thereto) were either accidentally, or improperly, excluded from the 2017 York Region Employment Area Inventory and that this exclusion has been carried forward in the above-noted Staff Report (Attachments 4 and 5) currently before you for consideration. We write to request that this be corrected by properly identifying these lands as an Employment Area.

Unlike the numerous employment conversion requests that the Region has received, the request of our clients is simple. Three lucrative and job creating businesses are asking to have their current Employment Land designation and the surrounding employment lands continue to be recognized and protected as Employment Area in York Region's Official Plan.

The three businesses (MILG) include: CRH Canada Group Inc. (CRH)/ Dufferin Aggregates, Coco Paving (Coco), and Blair Building Materials (Blair). **Figure 1** attached provides a map showing the location of their lands. The MILG lands are approximately 12.4 ha (30.64 acres) in area.

The entire area cross hatched on Figure 1 (the "Employment Triangle") are currently designated Employment by the City of Vaughan's Official Plan. The Employment Triangle is 33.5 ha (82.9 acres) in area and is part of a larger Employment Area to the east.

By not showing these lands as an Employment Area, the Region is, in effect, converting these lands without conducting any analysis and this is of major concern to these businesses.

As a starting point for this process, the Region is required to identify 'employment areas' as that term is defined in the Growth Plan. This analysis is required to consider current in-effect employment areas. From this starting point, an analysis as to whether a conversion is appropriate would then be undertaken. This has not occurred in this case. Rather, the Region has deemed the Employment Triangle not to be an employment area as the starting point either accidentally, or improperly, in the 2017 York Region Employment Area Inventory, which is wrong in fact.

As such, we are not seeking an 'employment area conversion' (which would denote a change from an employment area to a designation that would permit non-employment uses). Rather, we are asking the Region to properly identify these lands as an employment area as a starting point for the Region's analysis.

Over many years, the MILG landowners have invested in their respective businesses and want to maintain an Employment designation on their lands and ideally, the overall Employment Triangle, so that these businesses can be protected from further encroachment of sensitive land uses. This location is a strategic site for each of their businesses. Certain uses like the concrete batching and asphalt facilities cannot be easily relocated. Further, these uses are needed to be located in proximity to the areas they serve (e.g. roads and construction sites) given the shelf-life of their product and to minimize environmental and economic costs of travelling long distances. There are very limited sites (if any) available in their market area that would permit these uses outright without a rezoning and that would provide these locational requirements.

The Staff Report aims to protect large-sized employment areas over the long term to support a diverse range, size and mix of employment opportunities. For instance, the Staff Report identifies three sites ranging from 12.3 ha to 18.5 ha as large-size employment areas that warrant protection. In this case, the Employment Triangle is 33.5 ha in area, over double the size of these other sites recommended for protection.

HISTORY

For these lands, Region Staff have applied the land use designations in the Vaughan Official Plan as it was adopted back in 2010 (VOP 2010) as a starting point for its analysis which is not now, and never has been, in-effect. Rather, the in-effect (and therefore applicable) Official Plan is City of Vaughan Official Plan Amendment 332 which designates these lands for employment uses. The adopted VOP 2010 proposed to convert the Employment Triangle lands from Employment to a Residential designation.

When the City first adopted the VOP 2010, the City did so without awareness of the strategic nature of this site for the MILG's businesses and MILG's desire to maintain an Employment designation. It was after the OP was adopted that MILG retained MHBC and other technical consultants with

concerns of compatibility if residential uses are permitted to encroach closer to their businesses. MILG appealed the Region's 'non-decision' respecting VOP 2010. It was through MILG's appeal that these concerns were communicated and the rationale provided to the City on why maintaining an employment designation is appropriate.

Through the appeal process, the City reached a Settlement with MILG and the City has agreed to maintain an Employment designation on the Employment Triangle lands, including the MILG lands. One landowner, adjacent to the MILG lands (to the south), continues to pursue a conversion and a Residential designation before the LPAT so that landowner can redevelop its lands for a low density residential development.

The appeal of the adopted VOP 2010 is scheduled to be considered by the LPAT starting April 6, 2020.

REQUEST

It is our opinion that the Employment Triangle should be designated as Employment Area in the Region's Official Plan and that a conversion is not appropriate for the following reasons:

- (i) The Employment Triangle is currently designated in Official Plan 332 for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities and are considered an employment area as defined by the Growth Plan. No analysis has been undertaken by the Region to convert these lands. Rather, the Employment Triangle was either accidentally, or improperly, excluded from the 2017 York Region Employment Area Inventory.
- (ii) The Employment Triangle is part of a larger contiguous employment area. An appropriate boundary for this employment area is already provided by Keele Street and McNaughton Street. A Prestige Employment designation along Keele Street currently provides an appropriate transition to the residential uses established west of Keele Street. If the Employment Triangle is not designated Employment Area in the Official Plan, there will be continued pressure to redesignate the lands to permit non-employment uses (this is already the case). The introduction of non-employment uses within the Employment Triangle has the potential to destabilize the overall employment area and/or negatively impact the viability of existing or future surrounding employment uses, by putting pressure for future conversions in the adjacent parcels.
- (iii) The Employment Triangle is 33.5 ha and is considered a large-sized employment area which should be protected over the long term to support a diverse range, size and mix of employment opportunities;
- (iv) A proper analysis has not been undertaken in accordance with Provincial Plan policy to allow for a conversion; and,

- (v) The City is now in agreement that the lands should remain as Employment.

With that said, we do respect that an LPAT hearing on this matter is imminent and Region Staff may find it prudent to defer its decision on whether the lands be considered Employment Area once a decision has been issued by LPAT on this matter.

Therefore, we request Committee pass the following resolution:

- (i) **That lands bounded by Keele Street, Teston Road, McNaughton Road and the GO Transit rail corridor in the City of Vaughan be identified as Employment Area on Attachments 4 and 5 of "Planning for Employment and Employment Conversions" Report to the Committee of the Whole (March 12, 2020)**

Alternatively, should the Committee deem it necessary, we request Committee pass the following resolution:

- (ii) **That lands bounded by Keele Street, Teston Road, McNaughton Road and the GO Transit rail corridor in the City of Vaughan be identified as Employment Area on Attachments 4 and 5 of "Planning for Employment and Employment Conversions" Report to the Committee of the Whole (March 12, 2020) with an identifier/notation that:**

"Lands are currently subject to Appeal and currently designated for Employment. Any decision made with respect to any land use designation of these lands will be deferred until a decision has been made on the outstanding appeal. Regional Maps will be updated based on a future decision by LPAT"

Yours truly,

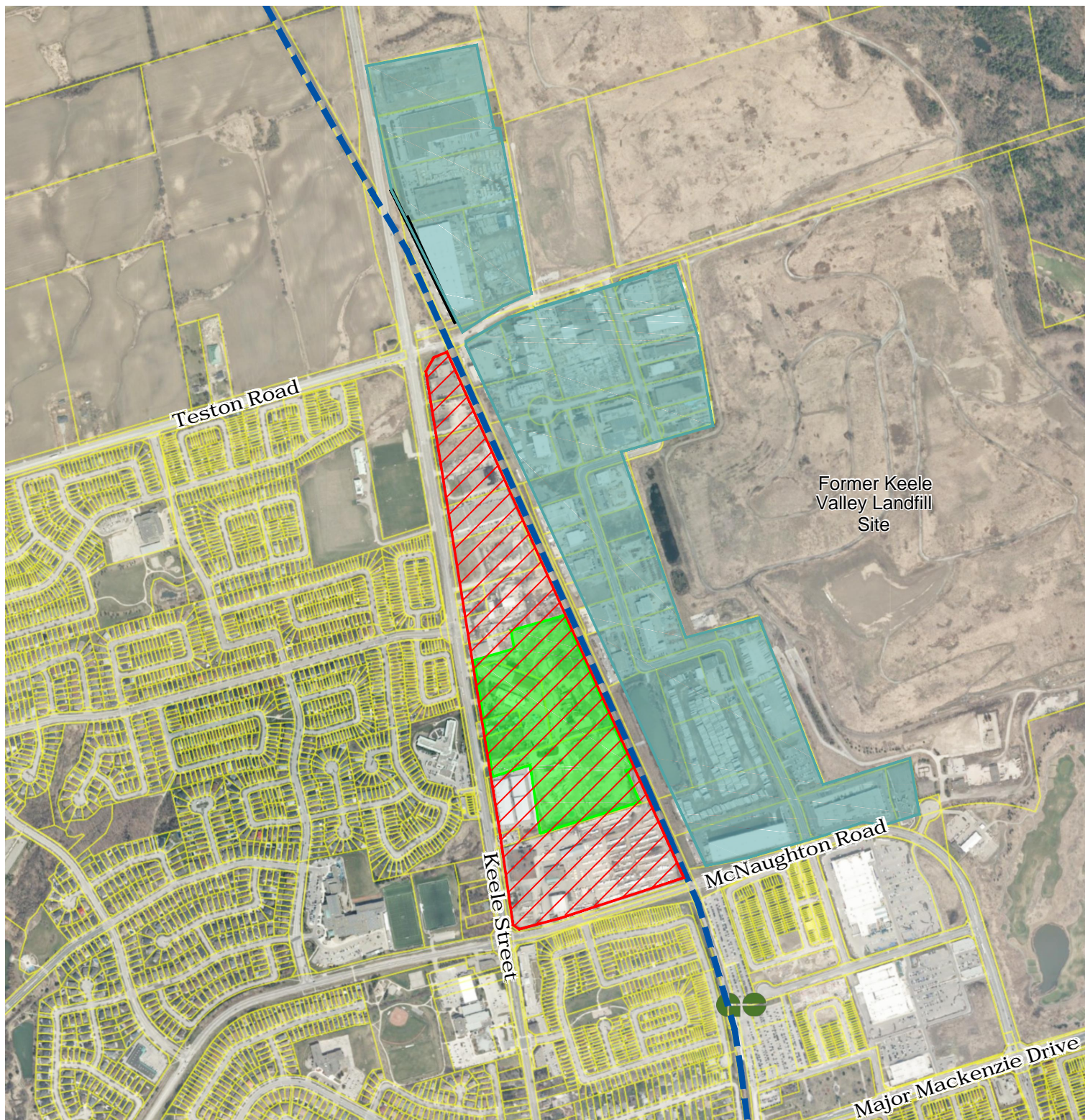
MHBC



Debra Walker, BES, MBA, MCIP, RPP

cc: Paul Freeman, Chief Planner
David Marcucci, City of Vaughan




Attachment: April 30, 2019 Comment Submission made on behalf of MILG





Data: First Base Solutions Aerial Flown 2018

Figure 1
Location Map

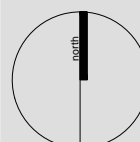
LEGEND

-  MILG Lands
-  Lands Currently Subject to Appeal ("Employment Triangle")
-  Employment Areas (City of Vaughan Official Plan)

-  Metrolinx Rail Corridor
-  Maple GO Station

DATE: April 30, 2019

SCALE 1:15000



Vaughan, Ontario

N:\9061\BQ\2019\Figures\CAD\9061BQ-Figure Mapping-01 April 2019.dwg

MHBC PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE
230-7050 WESTON ROAD WOODBRIDGE, ON, L4L 8G7
P: 905 761 5588 F: 905 761 5589 | WWW.MHBCPLAN.COM

April 30, 2019

Paul Freeman
Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Dear Mr. Freeman:

**RE: Proposed Employment Conversion Criteria and Mapping
Comment Submission on behalf of Maple Industrial Landowners Group (MILG)
10351, 10431 and 10445, 10475 Keele Street, City of Vaughan
OUR FILES: 9061BQ, 0818E, 13115A**

On behalf of CRH Canada Group Inc. (**CRH**), Coco Paving Inc. (**Coco**) and Blair Building Materials Inc. (**Blair**) (collectively, the Maple Industrial Landowners Group (**MILG**), we are submitting comments on the Region's Proposed Employment Conversion Criteria Staff Report (dated March 7, 2019).

MILG includes the registered owners of four individual parcels of lands known municipally as 10351, 10431 and 10445, 10475 Keele Street, Vaughan, which collectively comprise an area of approximately 12.4 hectares (30.64 acres) (**MILG Lands**). The location of the MILG lands are shown on **Figure 1** attached.

The MILG Lands are located within a larger tract of lands located north of McNaughton Road, east of Keele Street, south of Teston Road, and west of the former Keele Valley Landfill Site (**Employment Triangle**) as more particularly shown on **Figure 2**. The lands in the Employment Triangle are currently occupied by industrial uses including, but not limited to aggregate operations, concrete producers, a lumber yard, a roof truss manufacturing company, and self-storage facilities.

The purpose of our comments is twofold:

1. To ensure the Employment Triangle is properly identified as an Employment Area on the Region's mapping. The Proposed Employment Area Conversion Requests mapping attached to Staff Report (dated March 7, 2019) does not accurately identify the Employment Triangle as an "Employment Area" and this needs to be corrected. Accordingly, the Employment Triangle should be included as part of the Region's total employment land base through the Municipal Comprehensive Review.
2. To provide our opinion that important employment uses have historically existed in the Employment Triangle which should be protected from encroachment of non-employment uses in the long term. Further, that an appropriate land use designation be applied to the

Employment Triangle in the Region's Official Plan Review, along with supportive policies, to provide for that protection.

The following provides further background on these two main overall comments.

Mapping of the Proposed Employment Area Conversion Requests needs to be corrected to properly identify the Employment Triangle as 'Employment Area' to reflect City of Vaughan's policy direction

We have been informed by Region Staff that the map showing the requested conversions is based on local official plan land use schedules. In Vaughan's case, the Employment Triangle is identified as Low-Rise Residential by the as adopted VOP 2010, which has since been appealed by MILG, which appeal has the effect of cancelling the proposed re-designation from employment to residential.

Further, MILG has entered into Minutes of Settlement with the City of Vaughan that would see the Employment Triangle protected for employment uses and require a future Official Plan Amendment to introduce any sensitive land use.

It is important to note that this is the more recent direction from Vaughan City Council (since the adopted VOP 2010) which is intended to be corrected as a result of the appeal process, which has made the City aware of the importance of these lands to existing industrial uses and their long-term intentions.

Description of Existing Employment Uses

CRH is one of the country's largest vertically integrated building materials and construction company, including providing materials and services for Canada's largest infrastructure projects, needed to support growth. In this location, the CRH property is approximately 4.8 ha (11.9 acres) in area and has two main uses/operations: (i) a concrete batching plant operation and (ii) an aggregate transfer station. Outdoor storage of aggregate materials (and recycled concrete) is necessary. A concrete batching operation has existed on CRH's lands for approximately 50 years. The estimated number of full-time jobs generated by the CRH operation at this location is 40. CRH employs over 3,000 people and its main headquarters is located in the City of Vaughan.

Coco specializes in the production of asphalt and in heavy construction (sewer and water mains, road construction and hydro works). In this location, Coco's property is approximately 4.2 ha (10.5 acres) in area and is mainly used for an asphalt plant operation. Outdoor storage of aggregate materials (including recycled asphalt and concrete) is necessary. An asphalt plant operation has existed on this site for approximately 34 years. Asphalt produced at the Coco site is mainly used for provincial road projects / maintenance and some municipal road projects. A small percentage may also be used for ICI (industrial commercial institutional) projects.

Blair Building materials is a family-run private business providing construction material in the GTA. Blair's site is approximately 3.4 ha (8.3 acres) in area and is mainly used for the production of stucco, including tinting and sale of building materials. Blair's Building Materials has been operating from this site for approximately 40 years. This is Blair's only site.

For all three companies, the MILG lands are strategically located for their individual operations. All three companies want to continue their operations from the MILG Lands for many more years.

In the case of the asphalt and concrete operations, locating these operations is highly strategic as the product has a time sensitive shelf life (asphalt/concrete must be off loaded 1.5 hr from loading) and must be close to market (i.e. areas being developed).

Appeal before the LPAT

MILG have a long-time vested interest in protecting the viability of their businesses in an employment area in the City of Vaughan from the encroachment of non-employment and sensitive land uses.

Accordingly, they are subject to an appeal currently before the LPAT. MILG have reached a settlement with the City of Vaughan that is intended to protect the industrial users in the Employment Triangle from the encroachment of sensitive land uses for the long-term.

Rationale for Long-Term Protection of the Employment Triangle as an Employment Area

The Employment Triangle should be identified as an Employment Area for the long term for the following reasons:

- a. The Employment Triangle has historically been designated employment and industrial, commercial and office uses, together with significant industrial operations, have been established within the Employment Triangle, including on the MILG Lands, for many years;
- b. The Employment Triangle lands have direct access onto Keele Street with close access to Highway 400 and critical markets to these industries;
- c. The industrial uses located in the Employment Triangle do not conflict with the adjacent rail line and surrounding Industrial land uses to the east;
- d. Prestige industrial uses flanking Keele Street and the Keele Street right-of-way (23 to 36 metres) and the McNaughton Road right-of-way (20 to 30 metres) themselves currently provide a physical setback and separation to surrounding residential land uses;
- e. Lands within the Employment Triangle have historically and continue to be used by various industrial operations, with more intensive industrial uses being located closer to the railway track.
- f. An introduction of non-employment sensitive land uses within the Employment Triangle has the potential to cause adverse impact on employment and industrial uses situated within the Employment Triangle and east of the railway corridor, particularly those that already have ECAs.

The introduction of sensitive land uses in close proximity to industrial uses may also pose a health and nuisance risk.

- g. There is a need for industrial uses in our communities, particularly in areas that are in close proximity to major transportation networks.
- h. Establishing industrial uses in a new location is often contentious, particularly an asphalt plant or concrete batching plant. As a result, there is high risk and potential cost involved in seeking new Planning Act and Environmental Protection Act approvals required to relocate industrial uses. For these types of land uses, having sites that are (i) recognized as a permitted use in the Official Plan; (ii) recognized as a permitted use in the Zoning By-law and (iii) has MOECC Environmental Compliance Approvals (ECA) in place is extremely valuable and critical to protect so that such operations can continue to supply the markets they serve.
- i. Further, this location is highly strategic for asphalt (Coco) and concrete batching operations (CRH) given the time sensitive shelf life of asphalt and concrete. Accordingly, access to major road networks and proximity to construction / development sites are critical components of these types of operations.
- j. Given the large number (30) of conversion requests made to the Region to date (equating 6% of the employment area land base), protection of these lands will help the Region and City meet land use needs required to accommodate the 2041 employment forecast. We note 14 of these 30 conversion requests, involving a total land area of 392 ha (968 acres) of land, are in the City of Vaughan. The Employment Triangle is approximately 33.7 ha (83.4 acres) in area.

Proposed Criteria for Employment Conversions

Assuming an Employment Area designation remains on the subject lands as a result of the appeal and settlement with the City, MILG is encouraged to see the Region taking a strong position on protecting valuable employment lands by establishing more detailed criteria for conversion requests.

In this case, an asphalt plant is typically considered a Class III Industrial facility and the concrete batching plant is typically considered a Class II Industrial facility. While mitigation may be possible to address existing situations, the encroachment of non-employment uses in close proximity to such facilities can result in land use conflict and pressure on these facilities to relocate or the requirement to provide additional mitigation needed as part of Environmental Compliance Approvals (at the operator's expense). The availability of suitable sites large enough to relocate such facilities to is often an issue, particularly in urban areas. These aggregate-related facilities are needed to support growth and their products have a time sensitive shelf-life, requiring such facilities to remain close to growth areas and major transportation corridors.

We have reviewed the Proposed Employment Conversion Criteria and, while our review is ongoing, we currently support the Criteria that address compatibility to ensure that these uses remain protected in the long term.

SUMMARY

In summary and for the Region's consideration, we provide the following key comments on the Region's Proposed Employment Area Conversion Criteria Staff Report for Staff's consideration:

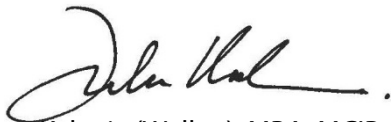
1. That lands identified as the 'Employment Triangle' on Figure 1 be properly identified as an Employment Area on the Region's Proposed Employment Area Conversion Requests mapping, when updated for Regional Committee and Council's consideration, and that these lands be included as part of the Region's total employment land base through the Municipal Comprehensive Review.
2. That an appropriate Employment Area land use designation be applied to lands identified as 'Employment Triangle' on Figure 1 in the Region's Official Plan Review, providing for long-term protection of important employment uses, including mineral aggregate operations, that exist on those lands.

We are happy to discuss our formal submission further with Region Staff once you have had some time to review our comments. We respectfully confirm that Region Staff consent to having the undersigned added to the Region's distribution list as planning consultant to MILG in order to be kept apprised of key milestones in the MCR process.

Thank you.

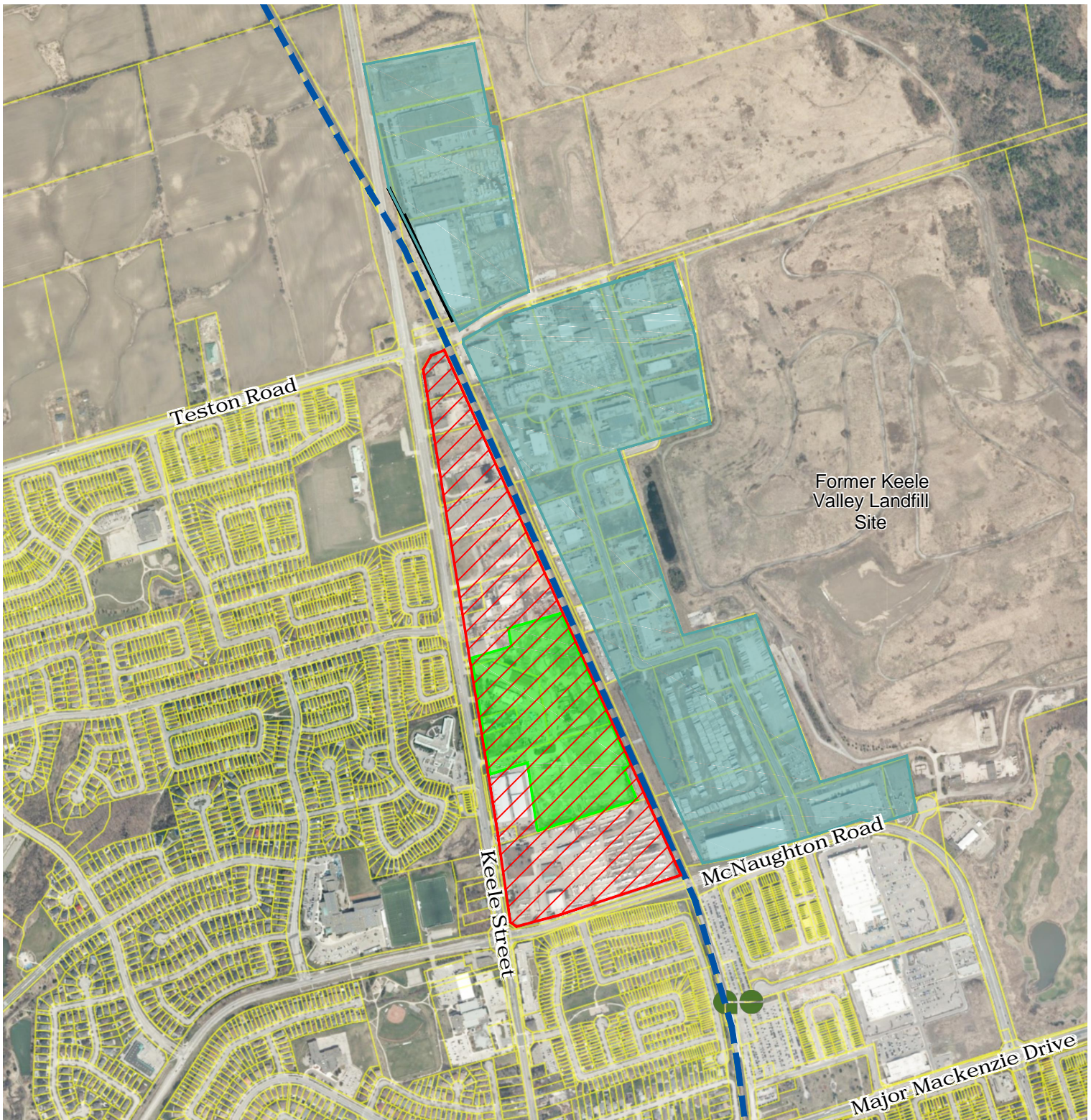
Yours truly,

MHBC



Debra Kakaria (Walker), MBA, MCIP, RPP
Partner




cc: *Paul Bottomley, Regional Municipality of York*
Sandra Malcic, Regional Municipality of York
Augustine Ko, Regional Municipality of York
David Marcucci, City of Vaughan
Loopstra Nixon
CRH Canada Group Inc.
Coco Paving Inc.
Blair Building Materials Inc.





Data: First Base Solutions Aerial Flown 2018

Figure 1
Location Map

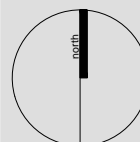
LEGEND

-  MILG Lands
-  Lands Currently Subject to Appeal ("Employment Triangle")
-  Employment Areas (City of Vaughan Official Plan)

-  Metrolinx Rail Corridor
-  Maple GO Station

DATE: April 30, 2019

SCALE 1:15000



Vaughan, Ontario

N:\9061\BQ\2019\Figures\CAD\9061BQ_Figure Mapping_01 April 2019.dwg

MHBC PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE
230-7050 WESTON ROAD WOODBRIDGE, ON, L4L 8G7
P: 905 761 5588 F: 905 761 5589 | WWW.MHBCPLAN.COM



Data: York Region Employment Land Inventory (2017)




Figure 2

York Region's Employment Land Inventory (2017) Mapping

Attachment 2 to York Region Staff Report
"Proposed Employment Area Conversion Request"
dated March 7, 2019

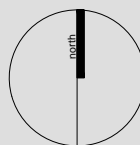
Vaughan, Ontario

LEGEND

-  Employment Triangle
-  Employment Area
-  Urban Area

DATE: April 30, 2019

SCALE 1:15000



PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

230-7050 WESTON ROAD WOODBRIDGE, ON, L4L 8G7
P: 905 761 5588 F: 905 761 5589 | WWW.MHBCPLAN.COM