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Communication
CW: Feb 25/14
Item: 5

February 24, 2014

Our File No. 91037

BY EMAIL

Vaughan Committee of the Whole
Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Members of the Committee:

**Re: Re: Vaughan Mills Centre Secondary Plan (the "VMCS Plan")
City of Vaughan Response to Public, Government and Agency Submissions
File#:26.1**

Aird & Berlis LLP represents Granite REIT ("Granite") (formerly MI Developments Inc.) and Magna International Inc. ("Magna") in respect of lands municipally known as 401 Caldari Road and the above-noted matter. On June 10, 2013 we wrote the attached letter setting out the concerns of our clients. These concerns have been ignored in the staff report on the basis that the Tesmar matter is before the Ontario Municipal Board ("OMB"). This approach is inconsistent with the approach being taken with respect to other lands currently before the OMB (Casertano/Mammone).

Granite and Magna strongly oppose the inclusion in the Vaughan Mills Centre Secondary Plan Study Area of the lands east of Jane Street and the proposed redesignation of those lands for residential purposes. Such an approach is fundamentally flawed and will create land use conflicts with thriving and existing employment uses within a large and important Employment Area. No need exists for residential uses in this area.

Granite and Magna request that the lands east of Jane street be removed from the Secondary Plan and that the plan be otherwise modified accordingly.

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Yours truly,

AIRD & BERLIS LLP



Steven A. Zakem

SAZ

Encl.

cc. Granite REIT (Lorne Kumer and Lawrence Clarfield)
Magna International Inc. (Hilary Stedwill)
Walker, Nott, Dragicevic Associates Limited (Wendy Nott)

AIRD & BERLIS LLP

Barristers and Solicitors

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June 10, 2013

BY EMAIL

Our File No. 91037

Vaughan Committee of the Whole
Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Attention: Rose Magnifico

Chair de Francesca and Members of the Committee:

Re: Draft Vaughan Mills Centre Secondary Plan – City File No. 26.1 (the “Plan”)

Aird & Berlis LLP represents Granite REIT (“Granite”) (formerly MI Developments Inc.) and Magna International Inc. (“Magna”) in respect of lands municipally known as 401 Caldari Road and the above-noted matter.

Granite is a public real estate operating company engaged principally in the acquisition, development, construction, leasing, management and ownership of a predominantly industrial rental portfolio leased primarily to Magna and its automotive operating units. Granite’s properties consist of manufacturing plants, light industrial properties, corporate offices, product development and engineering centers and test facilities. Granite holds a global portfolio of over 100 income producing industrial and commercial properties, over a dozen of which are located within the City of Vaughan. These properties, both historically and today, represent a significant employment base within the City of Vaughan.

One of Granite’s properties is known municipally as 401 Caldari Road (the “Granite Site”) which is held by a subsidiary of Granite and is leased on a long term basis to Magna. The Granite Site is designated and zoned for industrial uses. The site contains a heavy stamping plant which generally operates 24 hours a day, 7 days a week, 365 days per year. The stamping plant, by its very nature, creates noise, both directly as a result of the stamping of metal, handling of materials, as well as the large transport trucks that deliver and pick up from the plant 24 hours a day.

Accordingly, both Granite and Magna have a direct interest in the Vaughan Mills Secondary Plan as the land uses and transportation infrastructure framework arising therefrom would have direct impacts on the Granite Site specifically and corporate interests more generally. Both have participated in the Secondary Plan process to-date.

The following outlines Granite and Magna’s principal concerns with respect to the draft Secondary Plan document.

Secondary Plan Study Area Boundary

When Vaughan initially commenced the preparation of a Secondary Plan for the Vaughan Mills Area, the study area/secondary plan boundaries were established, in part, as Jane Street (a major Regional arterial road) in the east. This boundary was later arbitrarily adjusted to include two (vacant) properties located on the east side of Jane Street, north of Riverrock Gate within the larger employment area located between Jane and Keele Streets.

In our submission, the expansion of the study area was advanced without any planning rationale or basis to support the inclusion of these lands. Further, the addition of these lands and their subsequent consideration for residential uses results in fundamental land use issues, as discussed below.

Proposed Land Uses East of Jane Street

There are two distinct properties located east of Jane Street known generally as: "Tesmar" (located at the northeast corner of Jane Street and Riverrock Gate); and, "Delisle" (located immediately abutting the southeast corner of Jane Street and Rutherford Road). These properties are proposed to be designated (Schedule B):

Tesmar	"Lands Subject top Ontario Municipal Board Hearing. Maximum height and density will be determined through the Ontario Municipal Board hearing process."
Delisle	High-Rise Mixed-Use; with a Height of 22 storeys and a Density of 3.2

Granite and Magna are parties to the above-noted Ontario Municipal Board hearing with respect to the Tesmar lands. They object to the introduction of residential land uses in proximity to their operations where the potential for land use compatibility issues arising from (in particular) noise from the existing stamping operation renders such residential uses inappropriate.

Notwithstanding the outstanding appeal on the Tesmar lands respecting land uses, the draft Secondary Plan proposes to designate the abutting Delisle lands for residential uses. The same concerns regarding land use compatibility with respect to the existing stamping operation (and other employment uses, such as noise and vibration from the MacMillan rail yard) also affects the Delisle lands.

Residential developments on either property will be exposed to noise levels from adjoining employment area that are not consistent with the standards for industrial noise levels established by the Ontario Ministry of the Environment Guidelines and the City of Vaughan Noise Bylaw. The Secondary Plan study process did no independent evaluation or assessment of the appropriateness of allowing residential land uses east of Jane Street. In our submission, the appropriate designation for the lands located east of Jane Street,

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including Tesmar and Delisle sites, remains that which was approved by the City of Vaughan when it adopted its new Official Plan in 2010. Conversely, there is no justification from a land use planning perspective for the proposed introduction of residential uses on these lands.

Section 3.5.10

Section 3.5.10 is intended to provide policy direction with respect to land use compatibility between the development of residential (and other sensitive) land uses and existing industry, the rail yard and Highway 400.

In our submission, these policies are generic and do not adequately reflect the scope and range of area-specific environmental noise, vibration and/or emission considerations relating to the development of residential and other sensitive land uses in proximity to the large employment area located east of Jane Street (including the MacMillan rail yard).

Conclusion


In our submission, the afore mentioned lands located east of Jane Street should be removed from the draft Secondary Plan planning area and the designation for those lands as approved by the City of Vaughan when it adopted its Official Plan in September, 2010, should remain

The inclusion of the Tesmar and Delisle lands in the Secondary Plan and the proposal to consider them for residential uses is without any land use planning rationale and does not constitute good land use planning in the public interest.

We would request written notice of adoption of an Official Plan Amendment and notice of any further meetings and/or decisions by Council or its Committee in respect of this matter. Additionally, we request copies of the Minutes from any meeting held by Committee and/or Council in respect of this matter.

Yours truly,

AIRD & BERLIS LLP


Steven A. Zakem
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- c. Granite REIT (Lorne Kumer and Lawrence Clarfield)
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