



LAKE SHORE GROUP

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Communication
cw: Feb 25/14
Item: 5

February 24, 2014

VIA EMAIL Clerks@vaughan.ca

Mr. Jeffrey A. Abrams, City Clerk
City Clerk's Office
City of Vaughan
Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Members of the Committee:

RE: File # 26.1, Vaughan Mills Centre Secondary Plan Study – Stronach Trust Comments

We are the planning consultants for Stronach Trust ("Stronach"), owner of the recently created industrial parcel immediately west of the Maple Stamping Facility at 401 Caldari Road (a municipal address for our client's property has yet to be assigned, which was created through Consent application B016/11) (the "Stronach Lands"). We have previously submitted comments on the Vaughan Mills Centre Secondary Plan on June 10, 2013. We have reviewed the most recent draft of the Vaughan Mills Centre Secondary Plan dated February 2013 and it appears that no significant modifications have been made with respect to our concerns regarding the establishment of sensitive land uses on the east side of Jane Street. We continue to maintain our position as set out in our June 10, 2013 letter which is attached for your convenience.

Please provide us and Stronach's legal counsel, Steven O'Melia of Miller Thomson LLP (who is copied on this correspondence) with notice of any decision or any further consideration of this matter, including the adoption of the Secondary Plan.

Should you have any questions, please feel free to call me at (416) 364-5926.

Sincerely,
THE LAKESHORE GROUP

Nima Kia

Nima Kia, M.C.I.P., R.P.P.
MANAGER

c.c
Melissa Rossi, Senior Policy Planner
Rick Pennycooke, Lakeshore Group
Steven O'Melia – Miller Thomson LLP (via email: somelia@millerthomson.com)

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9808921.1

250 Wellington Street W
Suite 130
Toronto, ON M5V 3P6

Tel: 416.364.5926
Fax: 416.364.8757
www.lakeshoregroup.ca



LAKE SHORE GROUP

June 10, 2013

VIA EMAIL Melissa.Rossi@vaughan.ca

Ms. Melissa Rossi, Senior Policy Planner
Policy Planning Department
City of Vaughan
Vaughan City Hall, Level 200
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Ms. Rossi:

RE: Draft Vaughan Mills Centre Secondary Plan Study – Stronach Trust Comments

We are the planning consultants for Stronach Trust ("Stronach"), owner of the recently created industrial parcel immediately west of the Maple Stamping Facility at 401 Caldari Road (a municipal address for our client's property has yet to be assigned, which was created through Consent application B016/11) (the "Stronach Lands").

We have reviewed the May 22, 2013 draft of the Vaughan Mills Centre Secondary Plan and wish to provide the following comments:

LAND USE COMPATIBILITY CONCERNS

The current boundaries of the Secondary Plan Study Area include two properties on the east side of Jane Street, immediately adjacent to the Stronach Lands. These properties were initially designated as "Prestige Employment" in the new 2010 Vaughan Official Plan (VOP2010) when adopted by City Council on September 7, 2010. One of these properties is immediately adjacent to northeast corner of Jane Street and Riverrock Gate, and is hereinafter referred to as the "Tesmar Lands". The other property is located immediately adjacent to the southeast corner of Jane Street and Rutherford Road, and is hereinafter referred to as the "Delisle Lands".

The Tesmar Lands and the Delisle Lands were not initially within the boundaries of the Vaughan Mills Centre Secondary Plan. However, pursuant to a motion carried by City Council on September 27, 2011, these lands were subsequently incorporated into the boundaries of the Secondary Plan Study Area. Pursuant to the same motion, it was resolved that consideration be given to redesignate the Tesmar Lands and the Delisle Lands from Prestige Employment to Commercial Mixed Use in the VOP2010.

Within Schedule C of the May 2013 draft Vaughan Mills Centre Secondary Plan, the Tesmar Lands are identified as being "subject to a current Ontario Municipal Board hearing" with no specific land use

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recommendations included for the property. The Delisle Lands are split-designated as "High-Rise Mixed-Use" and "Neighbourhood Park".

The Stronach Lands are immediately adjacent to the Tesmar Lands and the Delisle Lands and the boundaries of the Vaughan Mills Centre Secondary Plan Study Area. The Stronach Lands are designated "General Employment" in VOP2010, and are included within the broader Employment Area designation. As per Section 2.2.4.1 of VOP2010, the planned function of the Employment Areas is to support economic activity in Vaughan by supplying land for a range of industrial, manufacturing, warehousing and, where appropriate, some office uses.

Although the Stronach Lands are currently vacant, the planned function of the lands and their intended use for heavy industry will be detrimentally impacted by future residential uses currently contemplated on the Delisle Lands in the draft May 2013 Secondary Plan Document (in addition to the residential uses contemplated for the Tesmar Lands which are currently before the Ontario Municipal Board).

As per the Ministry of Environment's D-6 Guideline document (compatibility between industrial facilities and sensitive land uses), the high-rise mixed-use developments currently contemplated for the Tesmar Lands and the Delisle Lands are considered a sensitive land use (with residential land uses considered sensitive 24 hours/day). The existing land use permissions for the Stronach Lands (including those in VOP2010 which are under appeal) permit a Class III Industrial Facility to be developed on the lands. As per Section 4.4.5 of the D-6 Guideline (emphasis added):

"where there is no existing industrial facility within the area designated/zoned for industrial land use, determination of the potential influence area shall be based upon a hypothetical worst-case scenario for which the zoned area is committed".

As such, and as per Section 4.1.1 of the D-6 Guideline, both the Tesmar Lands and the Delisle Lands are within the potential influence area of the Stronach Lands and minimum separation distances must be employed. The Ministry's Guideline further indicates that when impacts from industrial activities cannot be mitigated or prevented to the level of a trivial impact (i.e. no adverse effects), new development, whether it be an industrial facility or a sensitive land use, shall not be permitted.

In light of the foregoing, the current draft recommendations for a High-Rise Mixed-Use designation for a portion of the Delisle Lands does not represent good land use planning and would not meet with Ministry standards. Should permissions for the future development of sensitive land uses on the Delisle Lands be adopted by City Council (as is currently recommended in the draft Secondary Plan document), it will lead to land use compatibility issues with development on the Stronach Lands and the broader employment area east of Jane Street.

JANE STREET CORRIDOR RESIDENTIAL POTENTIAL LAND USE REVIEW

In September 2006, Vaughan City Council directed staff to undertake a Land Use Review for the Jane Street Corridor area, south of Rutherford Road, with respect to the potential for the establishment of residential development. The Land Use Review includes an analysis of both the Tesmar Lands and the Delisle Lands. The Review concludes that the employment designations on the east side of Jane



Street as found in OPA 450 be retained, and that development applications for residential uses within the Review Area be considered premature pending the completion of the Vaughan Centre Update focused study and plan.

Among the key findings of the report regarding the non-suitability of residential uses in the Review Area were as follows:

- Limited number of school spaces available in the general area – busing likely required
- Lack of other community services, including parks
- Hard services, notably sewage services, are currently unavailable for residential uses even though both water and sewer lines exist
- The finer grain road network required to support residential neighbourhoods would need to be addressed, as would traffic impacts

The findings of the Review when coupled with the aforementioned compatibility concerns indicate that the High-Rise Mixed-Use designation currently proposed for the Delisle Lands is not supportable.

HEMSON HOUSING ANALYSIS AND EMPLOYMENT LANDS NEEDS STUDY

Hemson Consulting Ltd. was retained by the City of Vaughan to prepare a Housing Analysis and Employment Land Needs study (Employment Study) to inform the Official Plan Review process. A 2011 addendum to this Study was also prepared by Hemson.

One of the findings of the Employment Study was that the current supply of employment land should be maintained in Vaughan. This was based on a finding that at the current prevailing densities, there would be a shortage of employment land in 2031.

The addendum to the Study addresses the Jane Street Corridor including the Tesmar Lands and the Delisle Lands. Hemson indicates that the proposed land use conversion of the Tesmar Lands and the Delisle Lands to "Commercial Mixed-Use" (this proposed redesignation was being considered by Council at the time, as per a motion carried at its September 27, 2011 meeting) is not appropriate for a number of reasons, including:

- *The lands are located within a large and almost fully developed employment area around the CN Concord Yard. As noted in the April 2010 report, this area contains a major concentration of economic activity and is healthy and competitive for continued employment land use.*
- *The lands occupy a central position within the larger area, traversing both the Vaughan 400 and Vaughan 400 North Employment Areas. As also noted in the April 2010 report, no change is recommended for interior portions of the major employment areas due to the risk of area destabilization.*

The addendum goes on to state that:



"based on the Growth Plan tests, changes of the Jane Street Corridor lands to a Commercial Mixed-Use designation is not considered good planning and does not meet the tests set out in Section 2.2.6.5 of the Growth Plan."

Given the foregoing, the High-Rise Mixed-Use designation currently proposed for the Delisle Lands is not appropriate.

PROPOSED GENERAL LAND USE POLICIES

Section 3.5.10 of the May 2013 draft Secondary Plan document includes policies which require the submission of noise, vibration and odour studies by the proponents of sensitive land uses within 300 metres of an industrial use to the satisfaction of the City. These studies are required to:

- Include recommendations for materials and construction methods to be employed to meet the Ministry of the Environment Guidelines.
- Recommend provisions to be included in the Site Plan Agreement that requires an engineer to certify that the building plans implement the recommendations contained in the mitigation reports before a building permit is issued.
- Recommend inclusions in the conditions of condominium approval that the mitigation measures recommended be implemented and certified, as well as a condition requiring the inclusion of noise, vibration, odour warning clause in the applicable condominium documents.

Stronach is supportive of this policy framework. However, as per the Ministry of Environment's D-6 Guideline, appropriate buffers from sensitive land uses will be required in addition to appropriate mitigation measures and warning clauses.

FURTHER COMMENT

We are available at any time to meet or to provide any additional information you may require regarding this submission. Please notify us and Stronach's legal counsel, Steven O'Melia of Miller Thomson LLP (who is copied on this correspondence) of all future public meetings and Council's decision regarding the adoption of the Vaughan Mills Centre Secondary Plan.

We look forward to working with you to address our client's comments and concerns.

Should you have any questions, please feel free to call me at (416) 364-5926.

Sincerely,
THE LAKESHORE GROUP

Nima Kia, M.C.I.P., R.P.P.
MANAGER



LAKESHORE GROUP

C.C

Rick Pennycooke, Lakeshore Group

Steven O'Melia – Miller Thomson LLP (*via email: somelia@millerthomson.com*)