

**OFFICIAL PLAN AMENDMENT FILE OP.04.020
ZONING BY-LAW AMENDMENT FILE Z.04.072
IVANHOE CAMBRIDGE II INC. & VAUGHAN MILLS ADVISORY SERVICES INC.**

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.04.020 (Ivanhoe Cambridge II Inc. & Vaughan Mills Advisory Services Inc.) BE APPROVED IN PART, to amend OPA #600 to permit an increase in the maximum permissible commercial floor area on the subject lands shown on Attachment #1, from 160,000m² to 189,535m², which amounts to an increase of 29,535m².
2. THAT Zoning By-law Amendment File Z.04.072 (Ivanhoe Cambridge II Inc. & Vaughan Mills Advisory Services Inc.) BE APPROVED IN PART, to amend Zoning By-law 1-88, specifically Exception 9(1030) to permit an increase in the maximum permissible commercial floor area on the subject lands shown on Attachment #1, from 160,000m² to 189,535m², which amounts to an increase of 29,535m².
3. THAT the implementing amendment to the Official Plan and Zoning By-law to permit the increased commercial floor area not be adopted and enacted, respectively, until the final traffic impact study has been approved by the Region of York Transportation and Works Department.
4. THAT Official Plan and Zoning By-law Amendment Files OP.04.020 and Z.04.072 (Ivanhoe Cambridge II Inc. & Vaughan Mills Advisory Services Inc.) to permit high density residential uses on "Outparcel D" as shown on Attachment #2, BE REFUSED.

Economic Impact

There are no requirements for new funding associated with this report. The proposed commercial development will add new assessment to the local tax base.

Purpose

The Owner has submitted Official Plan and Zoning By-law Amendment Applications to:

1. Permit an increase to the maximum permissible commercial floor area from 160,000m² to 189,535m², which amounts to an increase of 29,535m², on the subject lands shown on Attachment #1; and
2. Permit high density residential uses in addition to the proposed increase in permissible commercial floor area and the commercial uses currently permitted on Outparcel "D", as shown on Attachment #2. The applications would facilitate the use of Outparcel "D" for a single use (i.e. residential) or mixed use (i.e. commercial/residential), mixed density project.

The residential component of the applications proposes a maximum density and building height of 200 units per hectare and 16 storeys, respectively. Parking for the residential use is proposed to be provided at a rate of 1.2 spaces per residential unit. The Owner has submitted three residential development concepts, as shown on Attachments #3, #4 and #5.

Background - Analysis and Options

Council previously approved development applications to amend the Official Plan and Zoning By-law, and for site plan and draft plan of subdivision approval (Files OP.97.028, Z.97.111,

DA.98.089, and 19T-98V10) to redesignate and rezone approximately 81ha of land to facilitate the development of the Vaughan Mills Shopping Centre, including the associated outparcel development. The Official Plan and Zoning By-law cap the maximum permissible commercial floor area on these lands at 160,000m² and do not permit residential uses.

The Committee of the Whole at a Public hearing held on February 21, 2005 considered applications to amend the Official Plan and Zoning By-law to permit an increase in the maximum permissible commercial floor area from 160,000m² to 189,535m² on the Vaughan Mills lands. The recommendation to receive the Public Hearing report on February 21, 2005 and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on February 28, 2005.

On March 15, 2005, the Owner amended the applications to include high-density residential uses in addition to the requested increase to the maximum permissible commercial floor area. The Committee of the Whole considered the amended applications at a Public Hearing held on May 16, 2005. The recommendation to receive the Public Hearing Report on May 16, 2005 and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on May 24, 2005.

The subject lands shown on Attachment #1 are located on the south side of Rutherford Road, between Highway #400 and Jane Street. The overall site (including Outparcel "D") has an area of approximately 55.4ha and a majority of the land is developed with an enclosed shopping mall having a total commercial floor area of approximately 104,806m². Outparcel "D" has an area of 3.9ha and is vacant. The lands subject to the applications include the property lying within the ring road (Vaughan Mills Circle) located around the main mall structure, and two of the six outparcel sites (fronting onto Jane Street and Bass Pro Mills Drive) as shown on Attachment #2. The residential uses are proposed only on Outparcel "D", as shown on Attachment #2.

Four of the six outparcel sites are owned by others and have either been developed or are subject to current site development applications (Limestone Gallery, File DA.04.034; Intonaco Investments Corp., Files DA.04.033 and DA.04.079; Sonterra Development Corp., File DA.05.055; Amorino Ridge Developments, Files DA.04.032 and DA.05.002; and Ivanhoe Cambridge II Inc. et al, File DA.04.057) as shown on Attachment #1.

The surrounding land uses are as follows:

- North- Rutherford Road; supermarket and retail uses, eating establishment and vacant land (C5 Community Commercial Zone and C8 Office Commercial Zone)
- South- Bass Pro Mills Drive; waste transfer station, employment area lands (EM1 Prestige Employment Area Zone)
- West - Highway #400; future employment area (A Agricultural Zone)
- East - Jane Street; vacant land, employment area (EM1 Prestige Employment Area Zone and C7 Service Commercial Zone)

Public Hearing

On April 22, 2005, a Notice of Public Hearing was mailed to all property owners within 120m of the subject lands and to the Weston Downs, Maple Landing, Maple Sherwood, and Vellore Village Ratepayers' Associations, and to individuals having requested notification. The Maple Sherwood Ratepayer Association has provided the following comments:

- high density residential impacts on schools, roads and infrastructure, and the surrounding schools are filled to capacity; and
- the additional commuter traffic will impact on the GO Station located at Rutherford Road and Keele Street and the traffic at the intersection of Keele Street and Rutherford Road, which is already at gridlock, when the trains arrive in the evening. It is suggested that widening and improvements to all intersections along Rutherford Road and Jane Street and the Rutherford GO Station be studied. Also, future plans for the GO Station and bus schedules should be included in the report(s).

Comments have also been received from Canadian National Railways (CN) and the Ministry of Transportation (MTO), which are discussed later in this report.

Official Plan

The subject lands are designated "Vaughan Centre Shopping Centre District" and "General Commercial (Special Policy)" by OPA #600. The Official Plan caps the maximum permissible commercial floor area on the Vaughan Mills lands (including all outparcels) at 160,000m² and does not permit the proposed residential use.

Zoning

The subject lands are zoned SCD Vaughan Shopping Centre District Zone and C1 (H) General Commercial Zone with the Holding Symbol (H) by By-law 1-88, and subject to Exception 9(1030). The Zoning By-law caps the maximum permissible commercial floor area on the Vaughan Mills lands, including the subject lands, at 160,000m² and does not permit the proposed residential use.

Proposed Increased Commercial Floor Area

The applications to amend the Official Plan and Zoning By-law include a request to permit an increase to the maximum permissible commercial floor area from 160,000m² to 189,535m², which amounts to an increase of 29,535m² on the subject lands shown on Attachment #1. The additional floor area will apply to the mall portion of the site inside the ring road, and/or to the two undeveloped outparcels around the perimeter of the site.

i) Original Vaughan Mills Approvals

The Ontario Municipal Board approved OPA #505 and By-law 374-98 in June of 1999 following applications that were originally filed with the City in December 1997. These applications comprised approximately 73 ha (180 ac) of land and during the approval process, an additional 8.1ha (20ac) were acquired and the total landholdings of 81.1ha (200ac) formed the basis for OPA #505 and By-law 374-98. The commercial floor area however, was not adjusted from the original application to reflect the increased land holdings.

The Vaughan Mills lands (as originally constituted including all outparcels) is currently developed or subject to development applications which accounts for the following commercial floor area:

| | |
|--|---------------------------------|
| Main Mall Building | - 104,805.9m ² |
| Limestone Gallery (Outparcel "A") | - 10,365.5m ² |
| Intonaco (Outparcel "B") | - 10,359.4m ² |
| Sonterra (Outparcel "C" - Proposed) | - 7,863.7m ² |
| Audi Dealership (Outparcel "C") | - 3,585.4m ² |
| Sunoco Stations (Outparcels "B" and "C") | - 402.3m ² |
| Décor Village (Outparcel "F") | - 17,559.8m ² |
| <u>Total</u> | <u>- 154,942.0m²</u> |

In light of the development that has been constructed or approved on the Vaughan Mills lands, only 5,058m² of residual commercial development potential remains available for the two undeveloped outparcels or to any further intensification to the main mall structure.

A number of studies and analysis were undertaken including planning, market, and traffic reports in order to support the original approvals and the uses currently permitted on the subject lands. The appropriateness of the permitted uses on the Vaughan Mills lands is established and not part of the applications. The current applications propose only to increase the commercial floor area on the Vaughan Mills lands for those uses permitted on the subject lands. Accordingly, only the intensity of the commercial uses on the site is being altered. The balance of the applicable Official Plan policies and zoning permissions will remain unchanged.

ii) Provincial Policy Statement

The proposed increase in commercial floor area would result in an intensification of the subject lands, a more efficient use of the infrastructure, including the public transit facility and would therefore, be consistent with the general principles and policies of the Provincial Policy Statement (PPS). The PPS includes policies respecting the protection of employment areas to support economic activity and the long-term needs of the community. Intensification of the commercial uses on the subject lands is consistent with the PPS.

iii) Region of York Official Plan

The Region of York Official Plan (RYOP) includes policies respecting development and identifies matters of Regional concern. Section 3.3 (6) of the RYOP requires that retail facilities in excess of 30,000m² gross leasable floor area meet specified study requirements to examine region-wide impact related matters. The proposed additional 29,525m² of commercial development does not meet the Regional criteria for additional study work and therefore, further study in this respect is not required. Accordingly, from a Regional perspective only the potential traffic impacts resulting from the additional commercial area should be matters of Regional concern. A traffic study has been submitted in support of the applications and is discussed below. The RYOP designates the subject lands "Urban Area", which permits the commercial use.

iv) City of Vaughan Official Plan Amendment #600

OPA #600 designates the Vaughan Mills lands, including the subject lands "Vaughan Centre Shopping Centre District" and "General Commercial (Special Policy)" and permits a full range of commercial/retail uses at a maximum permissible commercial floor area of 160,000m². The applications propose only to increase the commercial floor area cap. The balance of the commercial/retail policies would remain unchanged. The Official Plan does not require that a market study be submitted to support the applications. A traffic study has been submitted in support of the applications to address the potential traffic impacts of the development. From a land use perspective, the increased commercial permission is consistent with OPA #600.

v) Traffic Impact Study

The Ministry of Transportation (MTO) was initially circulated a notice of the applications on January 7, 2005. The MTO subsequently advised that they had no objections to the official plan and zoning amendment applications subject to a drainage report, site servicing/grading plan and a traffic impact study indicating all potential impacts to the Highway #400 interchanges at Rutherford Road and Bass Pro Mills Drive being submitted in support of future submissions.

The Owner on February 17, 2005 submitted a traffic impact study prepared by BA Group Transportation Consultants dated February 2005 in support of the increased commercial development. The MTO on May 3, 2005 further advised that they wanted to review the signal progression analysis on Rutherford Road from one intersection west of the west terminal to Sweetriver Boulevard to Weston Road.

The traffic study made the following recommendations and concluded that there is sufficient capacity available to accommodate the planned commercial expansion, and that:

- the following intersection improvements are required:

a) At Weston Road & Rutherford Road:

A third northbound, southbound and westbound through lane.
A northbound dual left turn lane.

The through lanes identified are included in the Region's long range road system plans, but have not yet been programmed into the ten year capital budget.

b) At Jane Street & Rutherford Road:

An eastbound to northbound dual left turn lane.

- The north-south collector road west of Highway #400, which provides access to the Highway #400 southbound ramp should be operated under traffic signal control.

The Owner subsequently amended the official plan and zoning by-law amendment applications to include the proposed residential uses and submitted an addendum traffic impact study (dated July 6, 2005) to support the proposed increased commercial floor area and residential uses.

The MTO on February 6, 2006 advised that they find the Traffic Impact Study acceptable and have no further concerns with respect to traffic related issues.

The Region of York Transportation and Works Department has also reviewed the Traffic Impact Studies and have advised of the comments below and that detailed comments will be provided at the site plan stage. The Region has advised that a third southbound lane be provided along the site frontage, south to Bass Pro Mills (Locke Street) intersection and that one restricted right-in and right-out movement access will be permitted on Jane Street. The restriction in turning movements will be accomplished by a raised centre median for the following reason:

- there is insufficient distance from signalized intersections and additional proposed access points;
- the proposed right-in/right-out control shown on the preliminary plan is not considered effective in this location and would require a centre median; and,
- adequate access and site circulation is available from the existing Vaughan Mills internal ring road.

The Development Planning Department has verbally contacted the MTO and Region of York, and has been advised that their comments are in the process of being addressed, however to date, the final traffic impact study has not been approved. A condition of approval is included requiring that the final traffic study be approved by the MTO and Region of York, prior to the implementing zoning by-law to permit the increased commercial floor area being enacted.

vi) Land Use Compatibility - Increased Commercial Floor Area

The appropriateness of commercial/retail land uses on the Vaughan Mills lands is established. The current applications propose only to increase the amount of commercial floor area for those uses permitted on the subject lands. The balance of the applicable Official Plan policies and zoning permissions will remain unchanged. An increased commercial floor area is consistent with the general principles and policies respecting intensification in the Provincial Policy Statement. The Region of York Official Plan and the City's Official Plan do not require that market studies be undertaken to support the amount of commercial use being proposed. A traffic study has been submitted and reviewed by the Ministry of Transportation, the Region of York and the City. Commercial development is compatible with the existing and permitted surrounding land uses and given that all other Official Plan policies, zoning requirements and design guidelines will remain unchanged, the additional commercial floor area will implement development in a manner consistent with adjacent development from a built form perspective. Accordingly, the Development Planning Department can support the applications to amend the Official Plan and Zoning By-law to increase the permissible commercial floor area on the subject lands.

Proposed High Density Residential Use

The Official Plan and Zoning By-law Amendment applications also propose to permit high density residential uses in addition to the proposed increase in permissible commercial floor area and the commercial uses currently permitted on Outparcel "D", as shown on Attachment #2. The applications would facilitate the use of Outparcel "D" for a single use (i.e. residential) or mixed use (i.e. commercial / residential), mixed density project. The residential component of the

applications proposes a maximum density and building height of 200 units per hectare and 16 storeys, respectively. Parking for the residential use is proposed to be provided at a rate of 1.2 spaces per residential unit. The Owner has submitted three residential development concepts as shown on Attachments #3, #4 and #5.

Policy Context

i) Provincial Policy Statement (PPS) 2005

The Provincial Policy Statement (PPS) 2005 defines an "employment area" as follows:

"Means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities."

The Vaughan Mills development, including the outparcel lands was implemented by OPA #505, which has subsequently been consolidated into OPA #600. As identified in the "Basis" Section of OPA #505, the Vaughan Mills development will add another major element to the Highway #400 corridor employment complex. The Amendment further describes the Vaughan Mills lands in the context of the Corporate Centre to the south and Paramount Canada's Wonderland to the north and states that the Vaughan Mills Mall would add another facet to this large, integrated and diversified employment area.

The Vaughan Mills lands are designated in the Official Plan as a cluster for business and economic activities, and therefore, are considered to be employment lands as defined by the PPS.

The PPS includes the following policies respecting employment areas:

Planning authorities shall promote economic development and competitiveness by:

- a) *providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs.*

The proposed residential use does not promote the economic development or competitiveness of the employment area lying south of Rutherford Road. The applications, if approved, would remove employment lands from the City's supply and could set a precedent for the approval of other applications for residential uses in the City's employment area. Residential uses in employment areas could impede economic development and competitiveness on adjacent employment lands due to conflicts between the uses. The proposed amendment to the Official Plan is not consistent with this policy.

- b) *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.*

Residential uses on the subject lands would not take into account the needs of existing and future businesses and could, if approved, deter future businesses from locating in this area because of the incompatibilities that may arise when residential and employment uses are located in close proximity to one another. The applications, if approved, would remove employment land located on a major arterial road.

- c) *planning for, protecting and preserving employment areas for future uses.*

The proposed residential use is contrary to this policy of the PPS. If approved, it would remove lands from the employment area and could set a precedent for future

site-specific applications for residential uses. From a planning perspective, permitting residential uses in the City's employment area should only be considered on a comprehensive basis, with a complete analysis of the planning, social, and economic impacts of considering this policy change and not on a site-specific basis. In addition, introducing residential uses into the employment area could impact on the development of surrounding employment uses due to the incompatibilities between these uses, thereby neither protecting nor preserving future employment uses.

- d) *ensuring the necessary infrastructure is provided to support current and projected needs.*

Council on November 7, 2005 considered a report respecting a Strategy for Reservation/Allocation of Servicing Capacity from the Commissioner of Engineering and Public Works and the Commissioner of Planning, in consultation with the City Manager. The purpose of this report was to provide Council with an update on the status of available service capacity and to establish a protocol for the distribution of this capacity to developments throughout the City. Council adopted the recommendation in the report on November 14, 2005.

The report includes a Servicing Capacity Distribution Protocol and establishes three priority categories for allocation including: Priority 1, which includes all Draft Plans of Subdivision or Site Plan applications previously approved by Council and are expected to proceed to registration within the next 12 months. Projects classified as Priority 1 received allocation unconditionally; Priority 2 accounts for active applications representing infill development or completion of a partially built community and are expected to proceed to registration within the next 12 months. Priority 2 projects are reserved servicing capacity for a period of one year from the time of reservation by Council; and, Priority 3, which allows for development applications that are expected to proceed to registration within the next 12 to 24 months. Priority 3 development is being assigned for future allocation anticipated to be released by the Region of York in 2007.

The subject applications are not identified on any of these Priority Schedules as a project for which servicing capacity is being allocated, reserved or assigned. Accordingly, the necessary servicing infrastructure to support the proposed residential use is not expected to be available within the next 24 months, and likely beyond that time.

The PPS includes a policy that allows planning authorities to permit the conversion of land within employment areas to non-employment uses, through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion. In this respect, the City has not commenced or undertaken a comprehensive review of this issue and it has not been demonstrated by the applicant that the subject lands are not required for employment purposes.

In view of the above, the applications to amend the Official Plan and Zoning By-law to permit a residential use on the subject lands is not consistent with or have regard to the Employment Area policies of the PPS.

ii) Proposed Planning Reforms (Bill 51)

On December 12, 2005, the Ontario Government released a package of proposed planning reforms to be implemented through amendments to The Planning Act (Bill 51) in order to make Ontario's communities stronger, more livable and sustainable. One item specifically identified in the proposed reforms addresses the need to protect employment lands. In this respect, the Province is considering allowing municipalities to refuse proposals to convert employment lands into other uses, with no right to appeal to the Ontario Municipal Board (OMB) except at the time of a comprehensive official plan review. As noted above, the City has not commenced or undertaken a comprehensive official plan review at this time. Although this is only a proposed

reform at this time, it clearly signals the high priority the Province places on protecting employment lands. This position is shared by the City. This proposed reform would be consistent with and would reinforce the Employment Area policies in the PPS. The applications to permit a residential use on Outparcel "D" are not consistent with this potential Provincial policy direction.

iii) Places to Grow – 2005

The Provincial Government in November 2005, released a second draft of the Places to Grow (PTG) policy document which is intended to create a framework for implementing the Government of Ontario's vision for building stronger, prosperous communities by better managing growth to 2031. Places to Grow defines employment areas as,

"Lands zoned or designated within settlement area for employment uses. These lands may be located outside of a designated employment area."

The subject lands are located within a designated settlement area for an employment use. The subject lands were originally located within the Employment Area Growth and Management Plan as implemented by OPA #450, and were subsequently removed from OPA #450 by site-specific OPA #505, which facilitated the Vaughan Mills development. The surrounding land use context is for employment uses, and nonetheless, the Places to Grow definition of an employment use include employment lands outside of a designated employment area.

The PTG, like the PPS and proposed planning reforms includes specific policies relating to employment lands as follows:

Municipalities may permit conversion of lands within designated employment areas, to non-employment uses or major retail uses, only through a municipal comprehensive review where it has been demonstrated that (in part):

a) *there is a need for the conversion;*

The applicant has not demonstrated a need for the proposed Official Plan Amendment to permit the proposed residential use.

b) *lands do not comprise prime industrial lands;*

The subject lands are located at a prime location near the intersection of two main arterial roads, just east of Highway #400 and in relatively close proximity to the CN Marshalling Yard. Although the subject lands are not "industrial" lands in the strictest sense, they are employment lands at a prime location.

PTG also includes a policy encouraging municipalities to designate and preserve lands within settlement areas in the vicinity of existing highway interchanges, ports, rail yards and airports for manufacturing, warehousing, and associated retail, office and ancillary facilities, where appropriate.

c) *lands are not required in the long term for the employment purposes for which they are designated;*

The Owner has not demonstrated that these lands are not required for employment purposes.

d) *the conversion or designation is necessary to address other provincial priorities such as health and safety enhancement.*

The Owner has not demonstrated that the proposed conversion in land use is necessary to meet other provincial priorities. With respect to health and safety, locating an isolated residential development within an employment area would not be considered necessary to address any health or safety enhancements.

In view of the above, the applications to redesignate the subject lands for residential use is inconsistent with the Province's draft Places to Grow policy document.

iv) Region of York Official Plan (RYOP)

The Region of York Official Plan (RYOP) identifies policies in Section 3.3 to create a range of potential locations for economic uses across the Region that support economic development. One of the policies states that employment areas be planned to accommodate a variety of business uses subject to certain criteria. This section does not reference residential uses as being a "business or employment" use or as a use to be located in employment areas. The RYOP further includes in Section 5.1, Community Building, a policy to consider the impact and compatibility of potentially conflicting land uses on each other and the surrounding area. The proposal to convert employment lands to residential use is not considered to be consistent with the Region of York Official Plan.

v) City of Vaughan Official Plan and Zoning By-law

As noted above, the subject lands are designated "Vaughan Centre Shopping Centre District" and "General Commercial (Special Policy)" by OPA #600. The Official Plan caps the maximum permissible commercial floor area at 160,000m² and does not permit the proposed residential use. The subject lands were originally located within the Employment Area Growth and Management Plan as implemented by OPA #450, and were subsequently removed from OPA #450 by site-specific OPA #505, which facilitated the Vaughan Mills development. As part of the site-specific approvals, residential uses were not permitted on the subject lands, despite their inclusion within the Vaughan Centre Secondary Plan Area.

The official plan and zoning by-law permit commercial uses such as automotive gas bar, retail stores and service stations, a boating showroom, car wash, convention centre accessory to a hotel, funeral home, go-cart track, motor vehicle sales establishment, and taverns on Outparcel "D" and the adjacent lands. The lands on the east side of Jane Street and south of the subject lands are governed by OPA #450 (Employment Area Growth and Management Plan), which would permit uses such as warehousing, manufacturing and processing, assembly, printing and publishing, and a funeral home. The lands to the immediate south of Outparcel "D" are developed with a waste recycling facility. The potential incompatibilities between the existing land uses and the as-of-right permissions on the Vaughan Mills and surrounding lands can impact on future residents and on the ability of existing and permitted employment uses to operate as intended. Introducing an isolated residential use into this land use context is not considered appropriate from a compatibility, health, safety and proper planning perspective.

OPA #600 has established a hierarchical structure for high density residential uses which include the Vaughan Corporate Centre, Vaughan Centre (lying north of Rutherford Road), District Centres (Carrville and Vellore), Neighbourhood Centres, and those areas currently under review as part of the Highway #7 Land Use Futures Study. These centres were established through a comprehensive review process and with a full analysis of the planning issues undertaken. The current proposal to permit a single residential development in an employment area is inconsistent with the planning approach taken to identify the City's high density residential areas.

Land Use Compatibility

The subject lands, as shown on Attachment #1 are surrounded by new commercial development to the west and north, including uses such as a gas bar, an automobile dealership, a large parking lot, and an outdoor go-cart track. A waste recycling facility and a developing employment area are located south of the subject lands and the land uses on the east side of Jane Street are either presently designated for or developed with employment uses. All the lands lying south of Rutherford Road, between Weston Road and the CN Marshalling Yard (east of Jane Street) south to Langstaff Road and beyond are designated or developed for employment area uses. Residential uses are currently not developed or permitted in the applicable planning documents within the vicinity of the subject lands, south of Rutherford Road.

The subject lands are not contiguous to an existing residential community or located in an area that is likely to experience a significant transition of the existing land use context in the foreseeable future. The surrounding lands (particularly on the west side of Jane Street) have only been developed within the last 1-2 years and other lands are currently being contemplated for development.

A single residential development in the land use context described above is not considered appropriate. The subject lands are completely isolated from an existing residential community and surrounded by non-residential uses primarily commercial/retail and industrial in nature. The single residential development would be out of context with and change the character of the surrounding employment area. Employment lands further create job opportunities for the City's residents living in existing and planned residential communities and should be maintained.

Precedent & Comprehensive Review

Approval of the subject applications to permit high density residential uses on these lands will likely result in further similar applications on vacant employment lands in the vicinity of the subject lands and within the broader employment area. Converting employment lands (in accordance with the PPS) to residential uses is not consistent with Provincial, Regional or City Policy. This would reduce the supply of employment lands at a time when the City has undertaken an employment lands needs study to assess the appropriateness of redesignating additional lands along the Highway #400 corridor for employment uses in order to increase the available employment land supply, which is currently limited.

The introduction of residential uses into the City's employment area is inappropriate for the reasons set out in this report. However, if residential uses are to be considered in the employment areas, it should only be considered on a comprehensive basis as outlined in the Provincial policies above, and not on the basis of site-specific development applications essentially replicating one OMB decision. This incremental approach to planning, particularly for residential uses in this land use context, is not in the public interest since it may result in a negative impact to the health and safety of future residents, is not an effective way to manage residential related growth, and will result in an incremental piece-meal reduction of employment lands. The introduction of "spot" isolated residential development in the employment area could impact on the ability of adjacent employment area lands to develop as intended because of the incompatibility between the two uses when located in close proximity to one another.

Economic and Technology Development Department

The Economic and Technology Development Department has advised that it opposes the applications that would have the effect of converting employment lands to residential or commercial retail uses for the following reasons:

- the City's supply of vacant serviced employment lands is less than 3 years. While the City may have a supply of employment lands, the majority of these lands is encumbered (on hold for the Highway 427 Environmental Assessment) or is not serviced. Of the available serviced employment lands, the parcels are small in size (less than 2 acres) and scattered throughout the City and thus providing mainly infill opportunities. Our ability to attract high quality, high profile tenants with value added functions become hampered by this conditions;
- conversion of these lands would jeopardize the assessment balance as established by the Assessment Optimization Report;
- this application is not consistent with the Vaughan Vision 2007's Goal 2.2 Optimize the employment tax base and Goal 2.5. Strengthen the City's diversified economic base;
- the precedent set by these applications would be detrimental to the City's Highway 400 North Employment Land Study currently underway;
- these lands are located within an established employment area. Permitting residential uses would change the character of the employment areas; and,

- the Provincial forecasts call for more than 700,000 jobs in York Region by 2031. The City needs to protect employment lands in order to provide more employment opportunities for future residents and to remain competitive in attracting business investment to the community.

Canadian National Railways (CN)

Canadian National Railways (CN) has reviewed the Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd., and dated 2 November 2005. CN has advised that they have concerns that the report did not actually assess potential rail yard impacts and also the rail yard appears to be located closer to the subject property than is indicated in the report. The report indicates that the yard is "sufficiently far enough away to not be of concern, however given that the yard has a potential noise influence area well beyond 750m, an actual assessment of the yard activities is required and the warning clause outlined in CN's original comments is recommended. CN has provided a warning clause to be included in a registered development agreement, and inserted into all Agreements of Purchase and Sale. The noise related concerns expressed by CN relate to the residential uses in particular.

Proposed Residential Use

In view of the above, the applications to permit residential uses in the employment area is not considered to be consistent with the Provincial Policy Statement, the proposed planning reforms, through the Planning Act, Places to Grow policies, and Regional and City Official Plans. In addition, from a planning perspective, permitting residential uses on an individual application basis in the employment area is not considered appropriate for the reasons set out in this report. Accordingly, the Development Planning Department does not support the Official Plan and Zoning Amendment Applications insofar as the residential uses being requested.

Relationship to Vaughan Vision 2007

Vaughan Vision 2007 sets out the City's Vision Statement and strategic priorities including goals and objectives to meet these priorities.

i) Objective A-4 - Promote Economic Development

It is the objective of the City to ensure its economic growth and stability through the attraction and retention of investment, the stimulation of entrepreneurship and the use of technology.

Permitting residential uses in the employment areas is not consistent with these objectives. The incompatibility between the uses may result in the loss of businesses and investment because they are unable to operate as desired and therefore, have a negative impact on the ability to attract and retain new business.

ii) Objective A-5 – Plan and Manage Growth

A single residential development in the land current use context is not considered supportive of this objective. Employment lands create job opportunities for the City's residents living in existing and planned residential communities and should be maintained. The subject lands have a physical context which does not contribute to a quality residential area.

Conclusion

The Owner has filed applications to amend the Official Plan and Zoning By-law to permit an increase to the maximum permissible commercial floor area from 160,000m² to 189,535m² on the Vaughan Mills lands which amounts to an increase of 29,535m² on the subject lands and to allow

high density residential uses at a density of 200 units per hectare and a maximum building height of 16-storeys on Outparcel "D" of the Vaughan Mills lands.

The appropriateness of commercial/retail land uses on the Vaughan Mills lands is established. The current applications propose only to increase the amount of commercial floor area for those uses permitted on the subject lands. The balance of the applicable Official Plan policies and zoning permissions will remain unchanged. An increased commercial floor area is consistent with the general principles and policies respecting intensification in the Provincial Policy Statement. The Region of York Official Plan and the City's Official Plan do not require that additional market studies be carried out to support the amount of commercial use being proposed. A traffic study has been submitted and reviewed by the Ministry of Transportation, the Region of York and the City. The proposed commercial development is compatible with the surrounding land use. Accordingly, the Development Planning Department can support the applications to permit the additional commercial floor area.

The introduction of residential uses into the City's employment area is inappropriate for the reasons set out in this report. The proposed residential use is not consistent with the Provincial Policy Statement, proposed Planning Reforms, Places to Grow, the Region of York and City Official Plans and Vaughan Vision 2007. The City's Economic Development Department also opposes the conversion of employment lands to residential use. The proposed residential development is isolated from any residential community and the introduction of "spot" residential uses in the employment area could impact on the ability of adjacent employment area lands to develop as intended because of the incompatibility between the two uses when located in close proximity to one another. This incremental approach to planning, particularly for residential uses in this land use context, is not in the public interest since it may result in a negative impact to the health and safety of future residents, is not an effective way to manage residential related growth, and will result in an incremental piece-meal reduction of employment lands. The introduction of residential uses into employment areas should only be considered on a comprehensive basis as outlined in the Provincial policies above, and not on the basis of site-specific development applications.

Accordingly, the Development Planning Department recommends that the Official Plan and Zoning By-law amendment applications be refused insofar as they relate to the proposed residential use.

Attachments

1. Location Map
2. Existing Site Plan
3. Proposed Development Concept – Option 1
4. Proposed Development Concept – Option 2
5. Proposed Development Concept – Option 3

Report prepared by:

Mauro Peverini, Senior Planner, ext. 8407

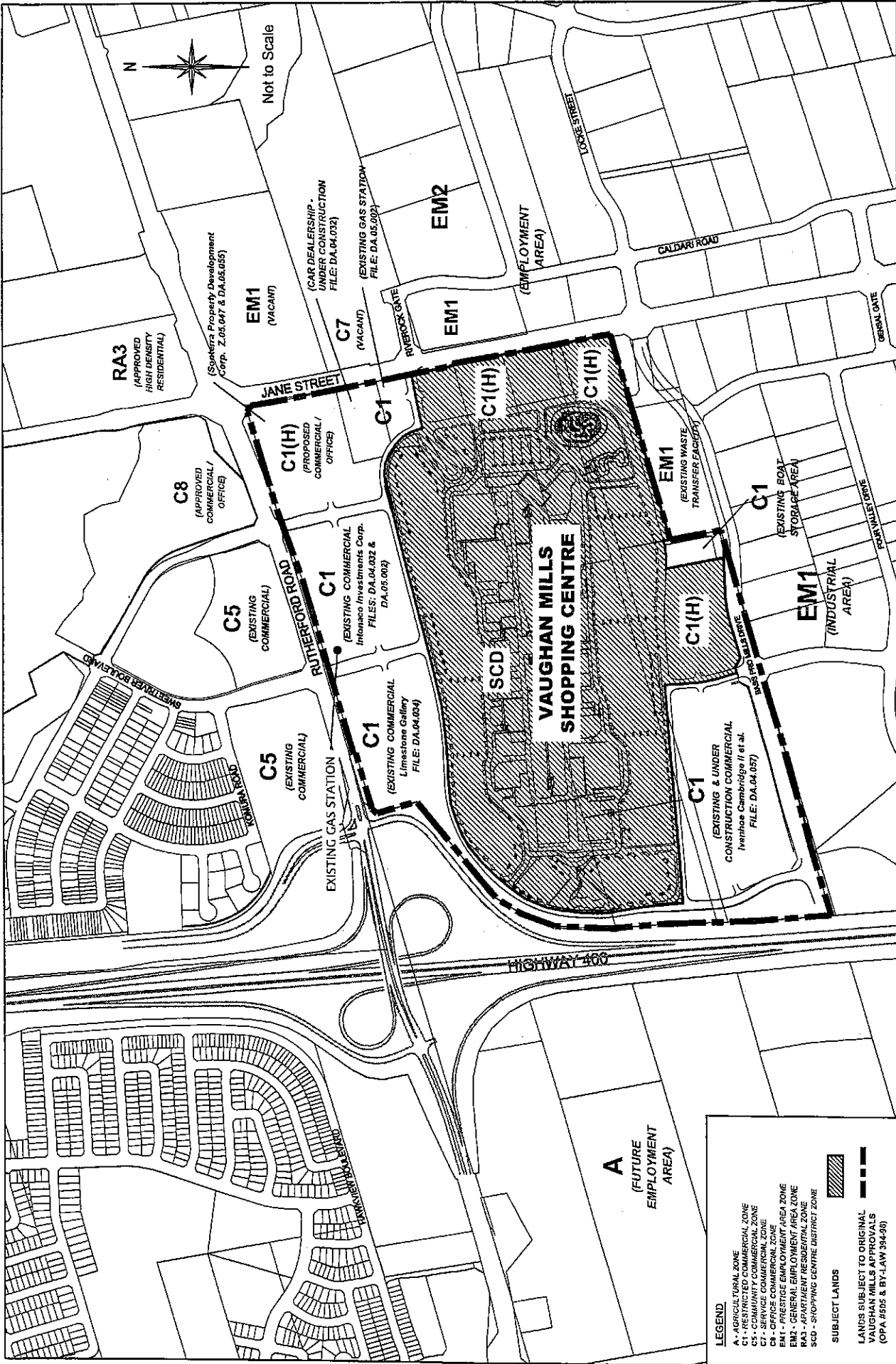
Grant Uyeyama, Manager of Development Planning, ext. 8635

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/LG



Attachment

FILE NO'S:
OP.04.020 & Z.04.072
RELATED FILE NO'S:
OPA 505, 510, Z.97.111,
19T-98V/10, DA.98.089,
Z.00.082, PLC.01.026

City of
Vaughan

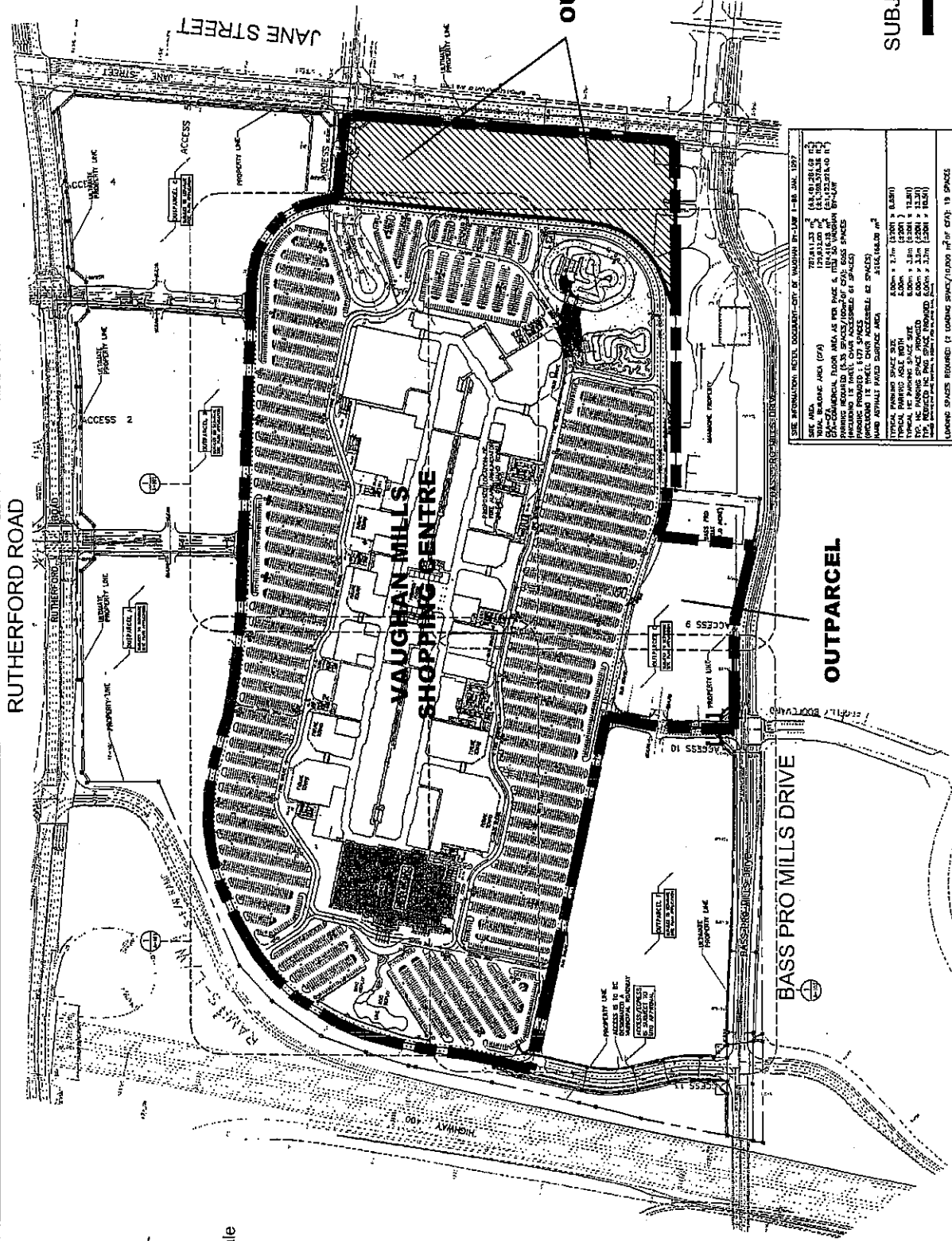
Development Planning Department

Location Map

Part Lot 13, 14, & 15,
Concession 5

APPLICANT:
IVANHOE CAMBRIDGE II INC. &
VAUGHAN MILLS ADVISORY SERVICES INC.

RUTHERFORD ROAD



Not to Scale

OUTPARCEL "D"

OUTPARCEL

| | |
|--|--|
| SITE INFORMATION: TESTE LOCALIDAD - CITY OF VAUGHAN BR-1 (R-1) JAN. 1977 | |
| SITE AREA | 702,411.23 m ² (271,203.99 ac) |
| TOTAL BUILDING AREA (TBA) | 10,164,165.13 m ² (2,451,251.61 ac) |
| COM-1 COMMERCIAL FLOOR AREA AS PER PAGE 8, THIS IS THE VAUGHAN BR-1/OF | 10,164,165.13 m ² (2,451,251.61 ac) |
| COM-1 COMMERCIAL FLOOR AREA AS PER PAGE 8, THIS IS THE VAUGHAN BR-1/OF | 10,164,165.13 m ² (2,451,251.61 ac) |
| INCLUSIVO DE TALLERES, OTRAS ACCESORIAS DE USOS | |
| PARKING PROVIDED: 1,177 SPACES | |
| STREET FRONTAGE: 1,000 M (3,281 FT) | |
| NET AVAILABLE PARKING SURFACE AREA | 2,115,148.00 m ² |
| TYPICAL PARKING SPACE SIZE | 8.00m x 3.75m (26.25m x 12.14m) |
| TYPICAL PARKING SPACE WIDTH | 2.00m (6.56m) |
| TYPICAL PARKING SPACE DEPTH | 6.00m x 3.75m (19.69m x 12.14m) |
| TYPICAL PARKING SPACE CURVED | 6.00m x 3.75m (19.69m x 12.14m) |
| TYPICAL PARKING SPACE STRAIGHT | 6.00m x 3.75m (19.69m x 12.14m) |
| TYPICAL PARKING SPACE INCLINED | 6.00m x 3.75m (19.69m x 12.14m) |
| TYPICAL PARKING SPACE W/10000 m ² OF GFA: 13 SPACES | |
| LOADING SPACES PROVIDED: 15 SPACES | |
| TYPICAL LOADING BAY SIZE REQUIRED: | 8.00m x 3.5m (26.25m x 11.50m) |

SUBJECT LANDS

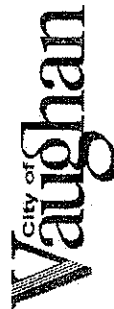


Existing Site Plan

Part Lot 13, 14, & 15,
Concession 5

APPLICANT:
IVANHOE CAMBRIDGE II INC. &
VAUGHAN MILLS ADVISORY SERVICES INC.

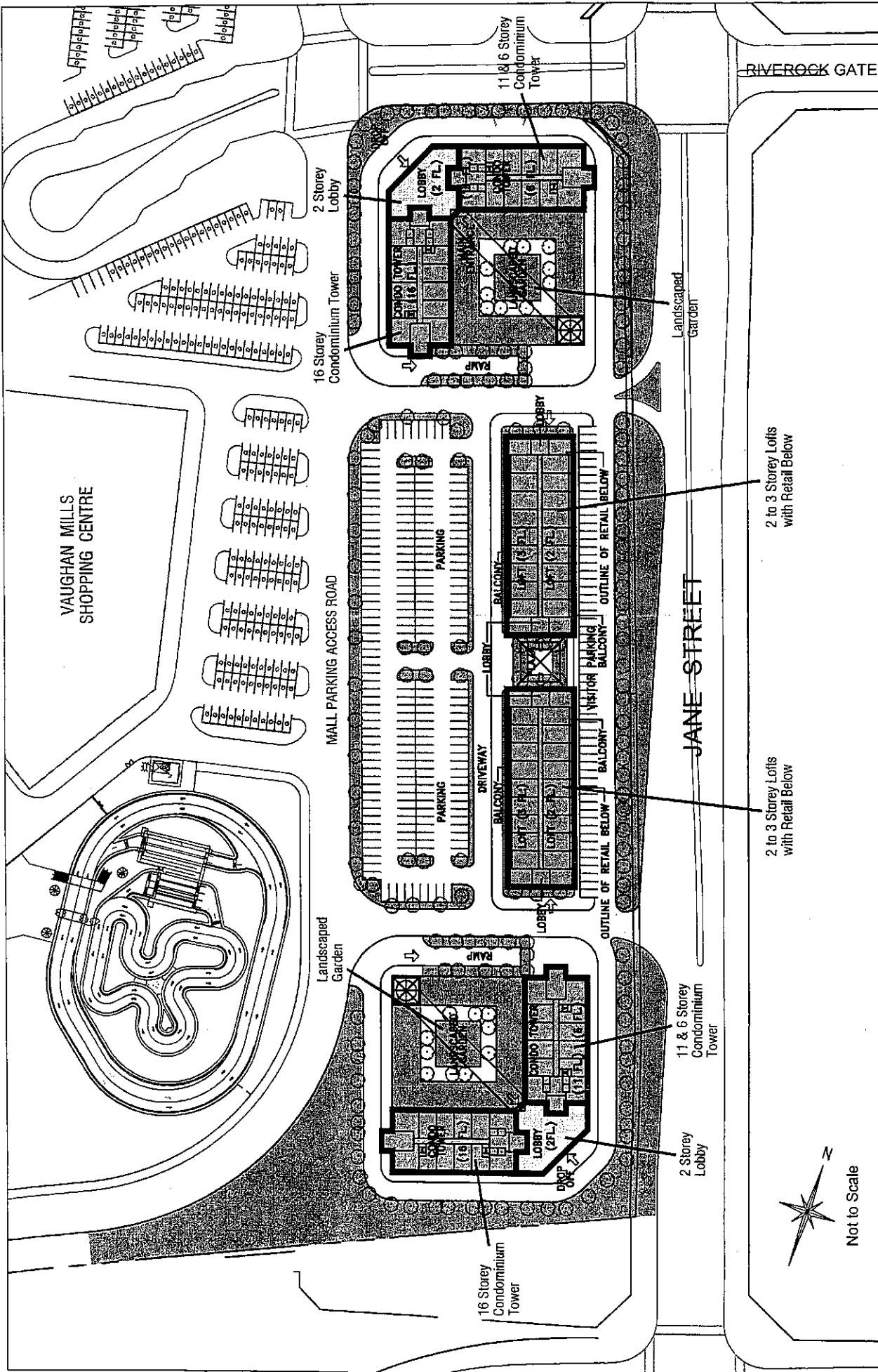
NS/OPT.1 ATTACHMENTS/OPA app 04.02/02.04.072



Development Planning Department

Attachment 2

FILE No's.:
OP 04.20 & Z.04.072
RELATED FILE No.:
OPA 505, 510, Z.97.111,
19T-98V/10, DA.98.089,
Z.00.082, PLC.01.026



Attachment 3

FILE No's.:
 OP. 04.20 & Z.04.072
 RELATED FILE No.:
 OPA.505, 510, Z.97.111,
 19T-98V10, DA.98.089,
 Z.00.082, PLC.01.026

City of
Vaughan

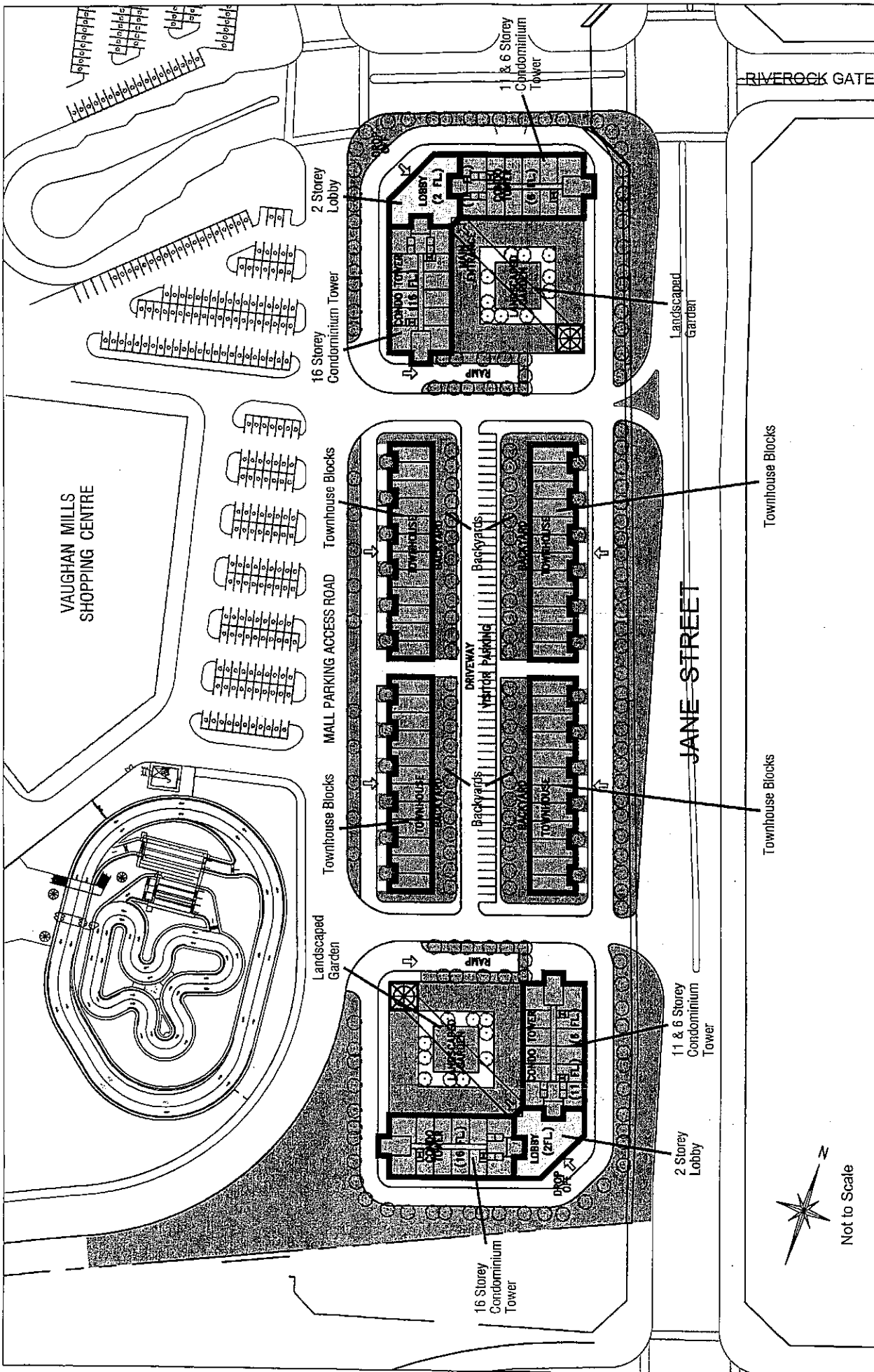
Development Planning Department

**Proposed Development
 Concept - Option 1**

APPLICANT:
 IVANHOE CAMBRIDGE II INC. &
 VAUGHAN MILLS ADVISORY SERVICES INC.

Part Lot 13, 14, & 15,
 Concession 5

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Proposed Development Concept - Option 2

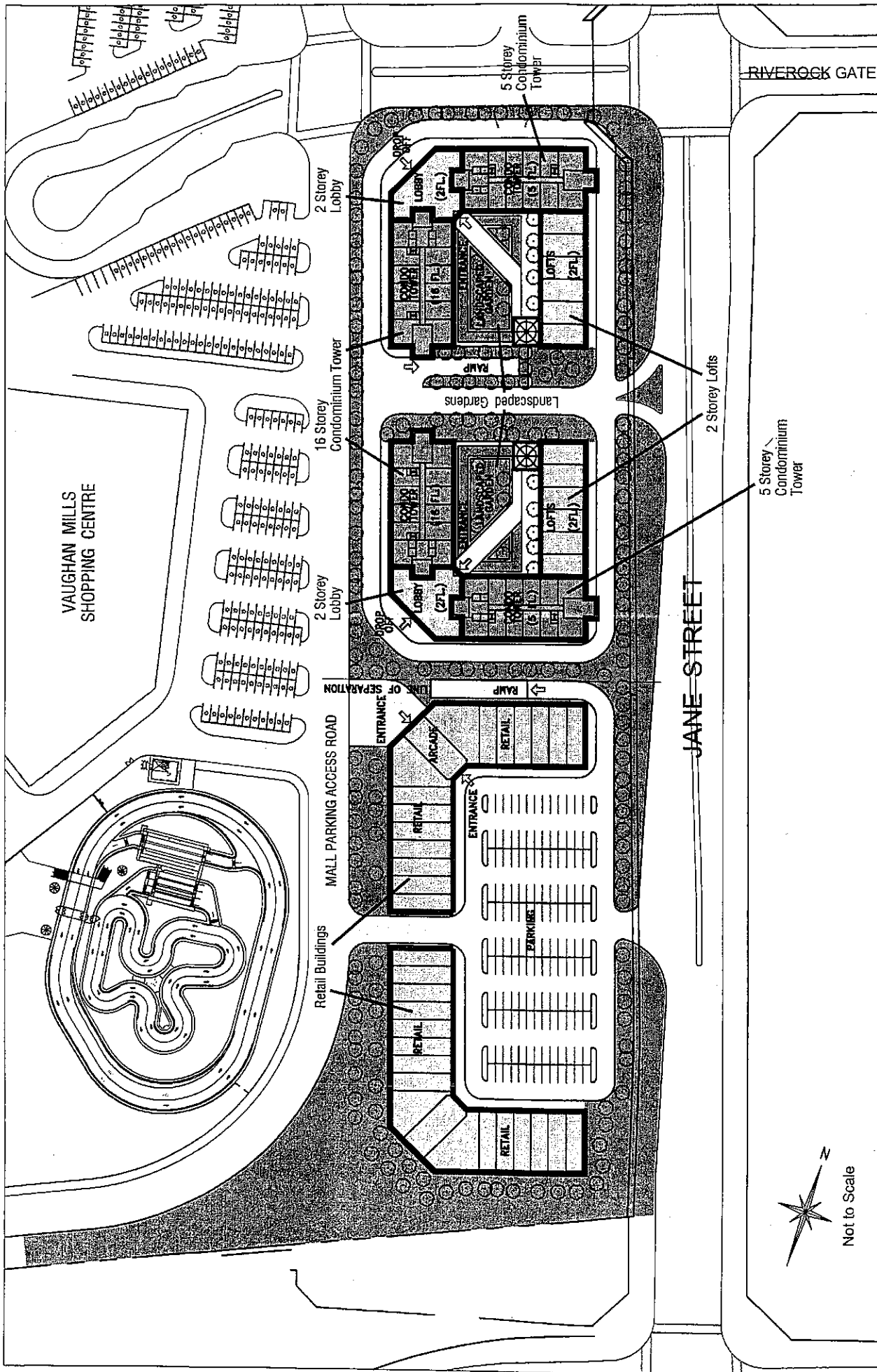
APPLICANT:
IVANHOE CAMBRIDGE II INC. &
VAUGHAN MILLS ADVISORY SERVICES INC.

Development Planning Department

Part Lot 13, 14, & 15,
Concession 5

Attachment 4

FILE No's.:
OP.04.20 & Z.04.072
RELATED FILE No.:
OPA 505, 510, Z.97.111,
19T-98V10, DA.98.089,
Z.00.082, PLC.01.026



Proposed Development Concept - Option 3

APPLICANT:
IVANHOE CAMBRIDGE II INC. &
VAUGHAN MILLS ADVISORY SERVICES INC.

Development Planning Department

Part Lot 13, 14, & 15,
Concession 5

City of
Vaughan

Attachment 5
FILE No's.:
OP.04.20 & Z.04.072
RELATED FILE No.:
OPA 505, 510, Z.97.111,
19T-98V10, DA.98.089,
Z.00.082, PLC.01.026

