

DI POCE

Management Limited

February 28, 2019

Charles O'Hara
Ontario Growth Secretariat, Ministry of Municipal Affairs
777 Bay Street
c/o Business Management Division, 17th floor
Toronto ON M5G 2E5
Canada

Dear Mr. O'Hara:

**RE: PROPOSED FRAMEWORK FOR PROVINCIALLY SIGNIFICANT EMPLOYMENT ZONES
ERO NO. 013-4506 | MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING
6241 RUTHERFORD ROAD, CITY OF VAUGHAN**

Thank you for the opportunity to comment on the proposed Provincially Significant Employment Zones ("PSEZ") mapping. We (Di Poce Management Limited) are the property owners for the lands municipally addressed as 6241 Rutherford Road in the City of Vaughan (herein referred to as the 'Subject Lands' and or 'Site'). Schedules 1, 2 and 3 attached, identify the Subject Lands in context of the proposed PSEZ and applicable Secondary Plan land use mapping as well as illustrate the property boundary. A figure illustrating the developable area relative to the site constraints is also attached for reference purposes and in support of the discussion below.

While we recognize the importance and significance of the proposed Provincially Significant Employment Zones ("PSEZ") mapping and understand that the intent of the Amendment is to reflect existing designations, we are concerned with the appropriateness of the "PSEZ" designation over the Subject Lands given the existing residential uses and unique site characteristics.

Specifically, the property is comprised of 8.18 ha (20.22 acres) and is located west of Highway 27 and east of McGilvary Road, on the south side of Rutherford Road in Block 59, in the City of Vaughan. The Site contains a Cultural Heritage Feature - the Richard Jeffery House (Elderstone), a two storey residential dwelling built in 1860 which is designated under Part IV of the Ontario Heritage Act. Further, the Site is largely comprised of Natural Heritage Features which **severely limits the developable area of the site, especially when considering typical Employment uses such as manufacturing, warehousing, and office complexes**. These features include a man-made pond, treed areas and a tributary (Robinson's Creek which runs through the property).

The City of Vaughan Official Plan designates the Subject Lands as "Prestige Employment" and "Natural Areas" in the West Vaughan Employment Area Secondary Plan. Amongst policies relative to the utilization

of existing and planned infrastructure and transportation systems, the key purpose and intent of the Employment Area designations in the West Vaughan Employment Area Secondary Plan is to accommodate employment growth in industrial manufacturing, warehousing and limited office employment uses through the supply of large vacant developable employment land. Supporting these objectives, it is our understanding that the PSEZ designations are intended to protect major or heavy industrial uses within the GTA.

As noted earlier, and in consideration of the severe development restriction for typical employment uses on the Subject Lands, we believe that the Site ***does not meet the intent and purpose of the PSEZ***. We understand that the conversion of employment lands to non-employment uses will continue to require a comprehensive assessment as part of a Municipal Comprehensive Review ("MCR"). To this effect, Weston Consulting has made a submission on our behalf to York Region as part of their current MCR process. A copy of the letter dated August 10, 2018 is attached for your reference. This letter further identifies the development restrictions imposed on the Site, as well provides supporting arguments for the removal of these lands from an employment designation to a non-employment designation in order to support future contemplated non-employment uses.

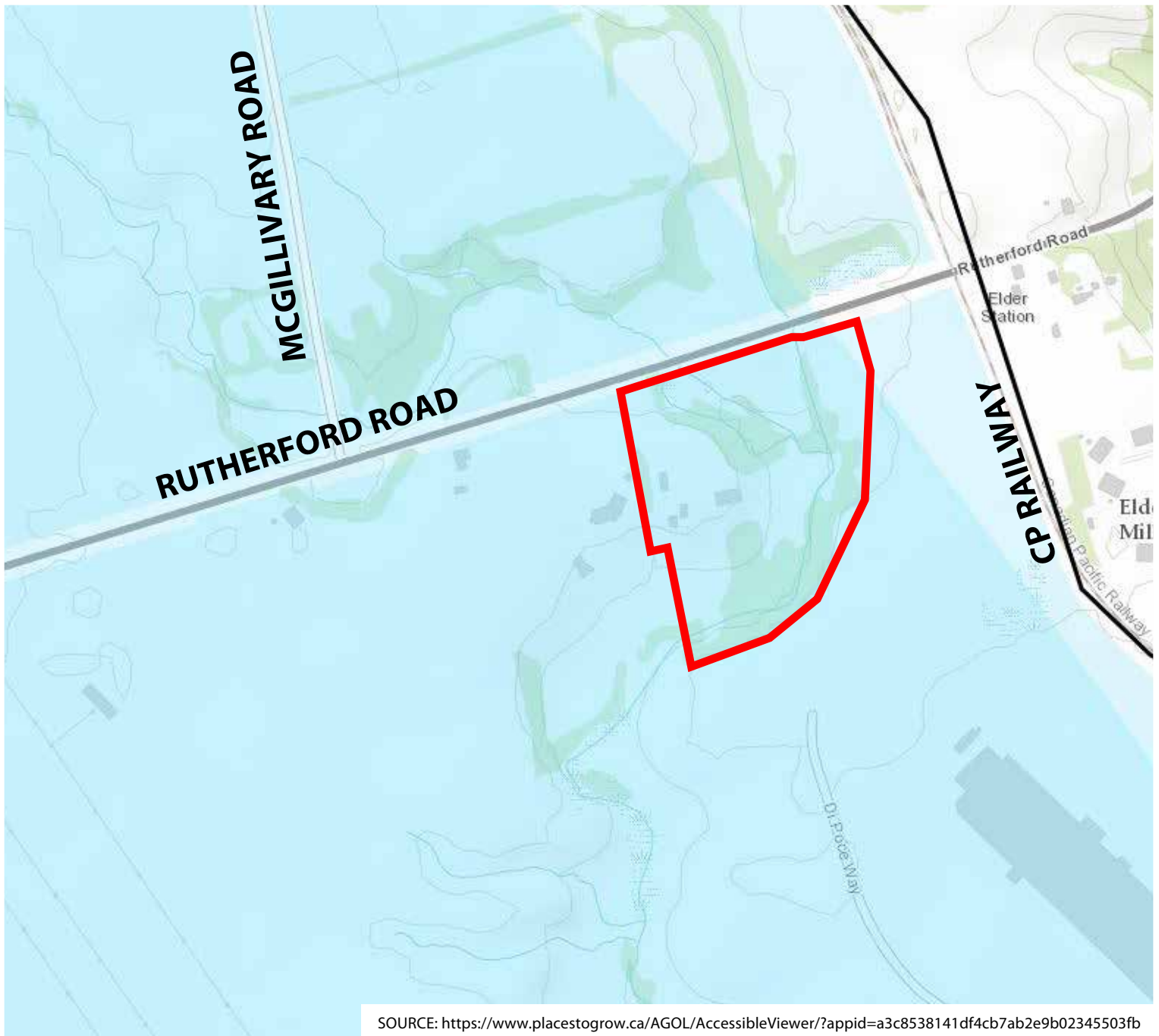
Based on the above, we respectfully request that the Subject Lands consisting of Cultural and Natural Heritage Features be removed from the PSEZ in order to utilize the lands for more appropriate non-employment uses.

We appreciate your attention to this request and respectfully ask to be included in any additional consultation where the accuracy of the PSEZ area mapping relative to the Subject Lands is of concern.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Di Poce', with a long, sweeping horizontal stroke extending to the right.

John Di Poce,
President

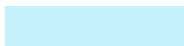


SCHEDULE 1

PROPOSED FRAMEWORK FOR PROVINCIALY SIGNIFICANT EMPLOYMENT ZONES



SUBJECT LANDS
6241 RUTHERFORD ROAD, CITY OF VAUGHAN
(DI POCE MANAGEMENT LIMITED)



**PROPOSED PROVINCIALY SIGNIFICANT
EMPLOYMENT ZONES ("PSEZ") MAPPING.**

DRAFT

FOR DISCUSSION
PURPOSES ONLY
WITHOUT PREJUDICE

RUTHERFORD ROAD

CP RAILWAY



**WESTON
CONSULTING**
planning + urban design

File Number: 7522-3
Date Drawn: 24 MAY 17
Drawn By: MH
Planner: KB and PW
Scale: see scale bar
CAD: 7522-3/sched/7522-3 sched. 2 may 24_17.dgn



LEGEND

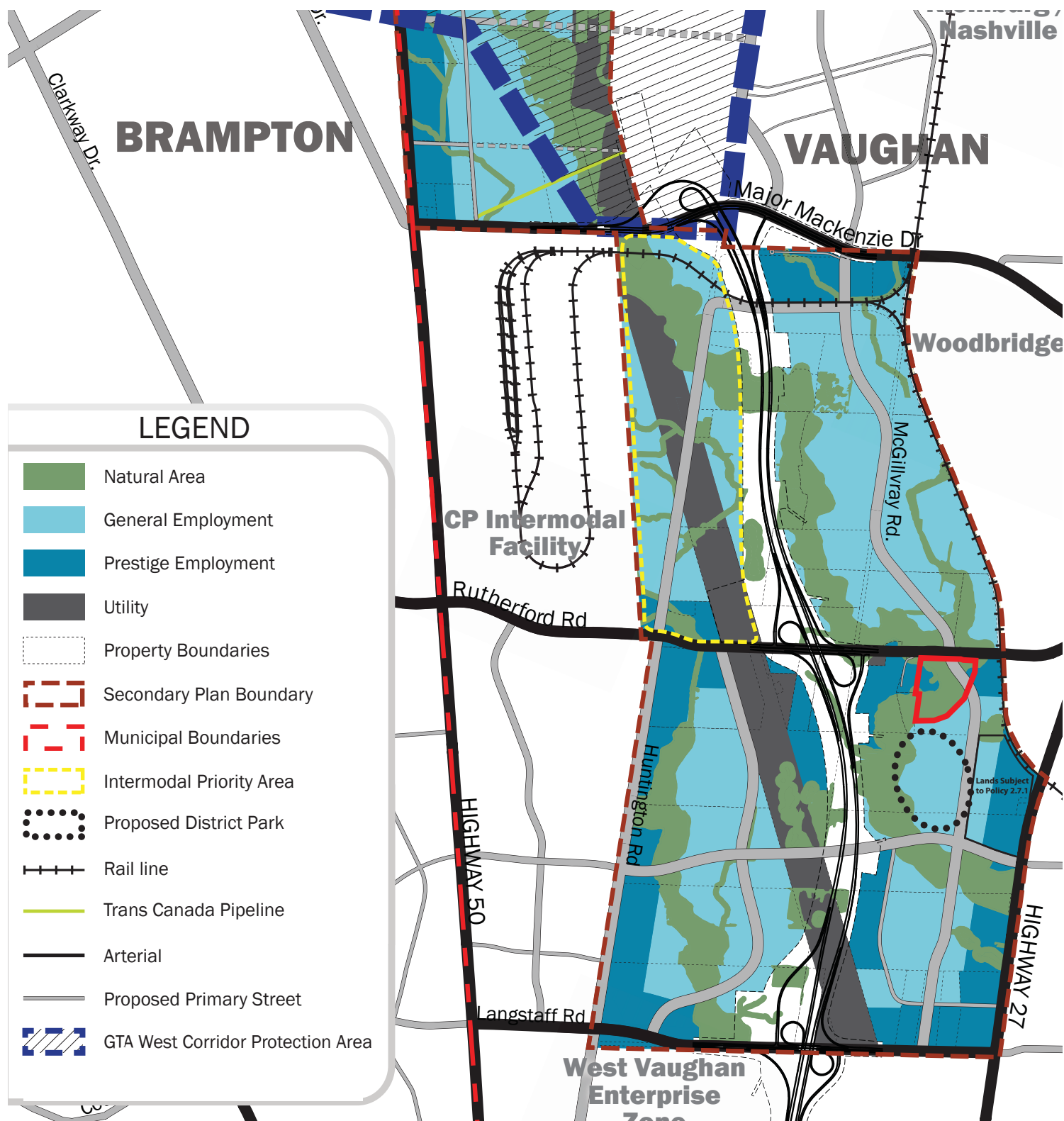
 SUBJECT LANDS

0 10 25 50m
SCALE

Air photo from First Base Solutions
Date of photo: 2016

SCHEDULE 2

6241 RUTHERFORD ROAD
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK



SCHEDULE 3: WEST VAUGHAN EMPLOYMENT AREA SECONDARY PLAN - LAND USE



SUBJECT LANDS
6241 RUTHERFORD ROAD, CITY OF VAUGHAN
 (DI POCE MANAGEMENT LIMITED)

DRAFT

FOR DISCUSSION
PURPOSES ONLY

RUTHERFORD ROAD

Core Features

Source: Schedule 2 Natural
Heritage Features
City of Vaughan Official Plan
Office consolidation 2015

**Proposed
Development
Limit**

**Developable
Area
1.61 ha
(3.98ac)**

**Existing
two storey
heritage
building**

**10m buffer
from Regulatory
Floodline**

Regulatory Floodline

Source: Humber Sheet No. 43
TRCA Flood Plain Mapping

0 10 25 50m
SCALE

NOTES:

1. Limits of Developable Area are estimated only and subject to change based on further investigation
2. Air Photograph from First Base Solutions Inc.
Date of photography: 2016
3. Property Boundaries from R-plan 65R17684, dated March 29, 1995.
4. Regulatory Floodline from TRCA Flood Plain Mapping, Sheet No. 43
5. Core Features from Schedule 2 Natural Heritage System
City of Vaughan Official Plan Office consolidation July 2015
have been provided for mapping purposes only.



**WESTON
CONSULTING**
planning + urban design

File Number: 7522-3
Date Drawn: 24 MAR 17
Drawn By: MH
Planner: KB and PW
Scale: see scale bar
CAD: 7522-3/air photo/developable area Mar 24_17.dgn



LEGEND

- SUBJECT LANDS
- PROPOSED DEVELOPMENT LIMIT
- TRCA REGULATORY FLOODLINE
- 10m BUFFER FROM REGULATORY FLOODLINE
- CORE FEATURES

Total Land Area: 8.183 ha (20.22 acres)
Developable Area: 1.61 ha (3.98 acres)

DEVELOPABLE AREA

6241 RUTHERFORD ROAD
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK



WESTON CONSULTING

planning + urban design

Planning and Economic Development,
Corporate Services – 4th Floor
The Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

August 10, 2018
File 7522-3

Attn: Paul Freeman, Chief Planner

Dear Sir,

RE: Regional Municipal Comprehensive Review (MCR) – Submission Letter
6241 Rutherford Road
City of Vaughan

Weston Consulting is the planner for Di Poce Management Limited, the land owner for the property located at 6241 Rutherford Road in the City of Vaughan (herein referred to as the 'subject property'). The purpose of this correspondence is to provide a formal submission as part of the Region's Municipal Comprehensive Review (MCR) on behalf of our client in support of developing the subject property for a banquet hall facility.

York Region Official Plan Review

It is our understanding that the Region of York is in the process of updating the Region's Official Plan as a part of an MCR to better align this plan with the current Provincial policy regime and to properly guide population and employment growth within the Region. The Region is currently undertaking Phase 2 which involves conducting numerous MCR background studies related to growth forecasts and density, employment strategies and housing, among other topics.

A key component of an MCR involves consultation with various stakeholder groups and receiving comments to help inform the process. It is our client's intention to be involved in the MCR process and to have this correspondence included as part of the written record for the subject property.

Description of the Subject Property and Surrounding Context

The subject property is located west of Highway 27 and east of McGillvary Road, on the south side of Rutherford Road in Block 59, in the City of Vaughan. Block 59 is a 403.48 ha employment area bound by Huntington Road to the west, Regional Road 27 to the east, Rutherford Road to the north and Langstaff Road to the south. Figure 1 provides an overview of the land use designations which pertain to Block 59. The majority of the block is designated either *prestige employment* or *general employment*, with the *natural area* designation dispersed throughout (Figure 1).

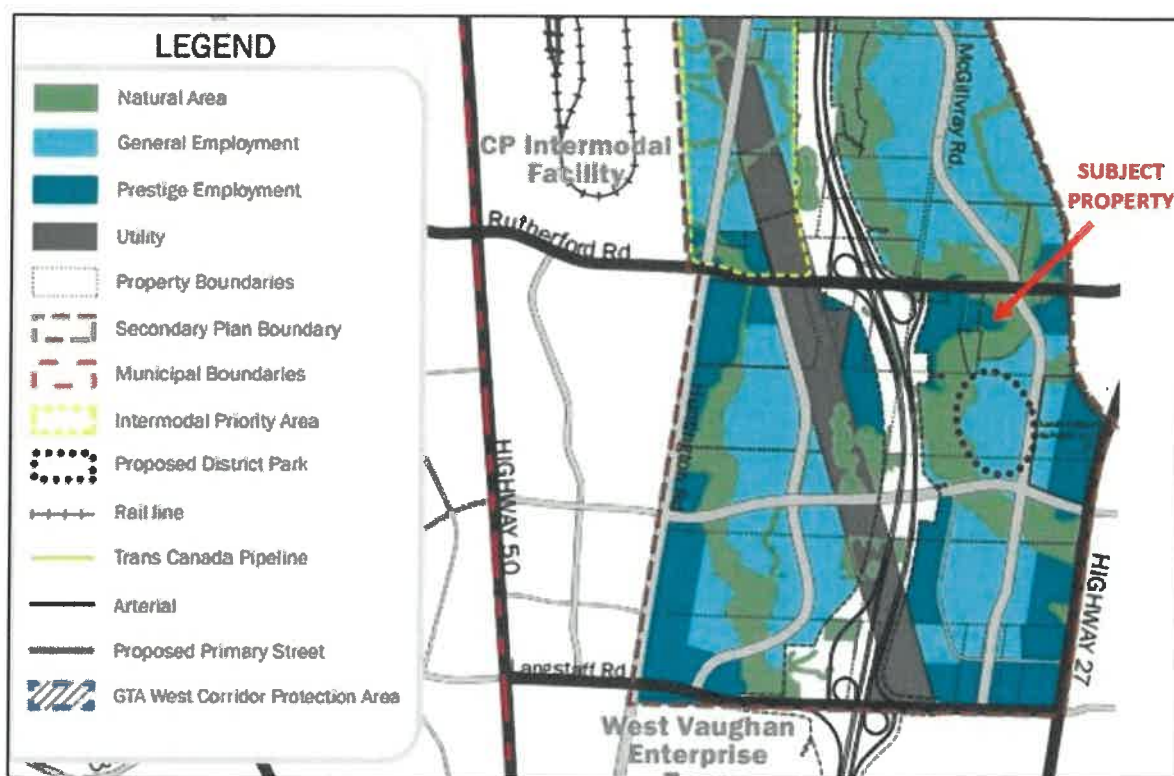


Figure 1: Schedule 3 - Land Use, from the West Vaughan Employment Area Secondary Plan.

The majority of Block 59 is undeveloped aside from two newer distribution warehouses, one used by Fed-Ex and the other by Costco, which are located south of the site. There is also an existing rehabilitation centre, the Vitanova Foundation, situated directly to the west of the property. To the north and east of the site are agricultural uses/green space areas, along with the CP Rail Line which is representative of Block 59's eastern limit.

Figure 2 provides an airphoto of the subject property. The property maintains a total land area of 8.183 ha (20.22 acres), of which only a small portion is developable given the presence of natural heritage features on the property. The property is heavily treed and has a tributary (Robinson's Creek) running through it.

The property also contains a cultural heritage feature, the Richard Jeffery House (Elderstone), which is designated under Part IV of the Ontario Heritage Act. The building was constructed in c. 1860 and is two storeys in height. Directly north of this building is a man-made pond which is thought to have been built to support the functioning of the heritage building.



Figure 2: Airphoto of subject property.

Policy Context

The York Region Official Plan identifies the property as part of the *Urban Area* and within the *Regional Greenland System*. The entirety of Block 59 is also located within the Region's *Strategic Employment Lands – Conceptual* designation.

The Natural Heritage Network Schedule of the Vaughan Official Plan (VOP 2010) indicates that the majority of the property is covered by a *Core Feature*, which is an area where development and/or site alteration is generally not permitted. The property is subject to the West Vaughan Employment Area Secondary Plan, which designates the portion of the site not covered by a core feature as *Prestige Employment* and the rest of the property as *Natural Area*. Permitted uses in the Prestige Employment designation include typical employment uses such as manufacturing, warehousing and offices uses. Outside storage is not permitted.

The Prestige Employment designation does not permit or prohibit banquet hall facilities. The VOP (2010) is silent on banquet halls, as it does not specifically list this use as permitted in any land

use designation. The term banquet hall is not defined in the VOP and is also not mentioned anywhere in the text of the plan. This is contrary to Vaughan's Zoning By-law 1-88 which lists banquet halls as permitted in the *EM1 Zone – Prestige Employment Area Zone* and provides a definition of the use.

The City's Zoning By-law 1-88 zones the property as both *A – Agricultural* and *OS1 – Open Space Conservation*, subject to an exception. This exception regulates site specifications including lot area and coverage and limits uses for the OS1 zone. Any future development on the property would require that a Rezoning application be submitted.

Proposed Use of the Subject Property

The subject property maintains unique characteristics, differentiating this property from the rest of Block 59, which makes developing this site for typical employment uses a challenge. Based on our analysis, there are various factors from a contextual and planning perspective that support a banquet hall use as an appropriate use for the property:

Policy-Related Factors

- The subject property's total developable area is minimized by the fact that the site is heavily constrained, notably by natural heritage features which are to be preserved. The operation of a banquet hall would not result in a nuisance or negatively impact the ecological functioning of the surrounding natural heritage network, which is to be protected and enhanced according to the VOP.
- As illustrated by Figures 1 and 2, the subject property has a limited developable area as a result of the site's Natural Area designation. A small developable area cannot accommodate typical Prestige Employment uses such as warehouses, distribution centres or office complexes.
- The VOP does not explicitly permit or prohibit banquet halls in any land use designation as the Official Plan is silent on the use.
- The VOP indicates that non-employment uses such as residential and major retail uses would serve to destabilize the planned function on an employment area (Section 2.2.4). A banquet hall is not a residential or retail use.
- The York Region 2017 Vacant Employment Land Inventory (dated March 2, 2018 from the Commissioner of Corporate Services and Acting Chief Planner), indicated that 33% of the Region's employment land supply is vacant, and that the City of Vaughan "... continues to have the largest supply of vacant employment lands in the Region." Given the site's limited development potential, allowing for a banquet hall use will not result in a depletion of viable employment lands within the City.

- The property maintains an existing heritage building which is designated under Part IV of the Ontario Heritage Act. This is another factor limiting the site's total developable area. Any future development would need to accommodate the retainment of this structure as relocation would be difficult. A banquet hall, along with required parking, could be accommodated while maintaining this building or making use of this structure as part of the functioning of the main use.
- The City's Zoning By-law 1-88 permits banquet halls in the *EM1 – Prestige Employment Area Zone*. Developing the property will require that a Zoning By-law Amendment application be submitted to rezone the property under the EM1 zone to correspond with the Official Plan designation.

Land Use Compatibility Factors

- The portion of the property fronting on to Rutherford Road is covered by the site's core feature. Any future development will need to be located away from the street and maintain an appropriate vegetation buffer from the core feature's top of bank. This will reduce the visibility of any future buildings from the street and will create a sense of isolation from the surrounding area, which is not favourable for typical Prestige Employment uses. The Official Plan indicates that Prestige Employment areas are intended to be located on arterial streets in order to *"provide locational opportunities for activities which require high visual exposure and an attractive working environment (Section 9.2.2.11.b.iii)."*
- The site's private and serene environment is ideal for a banquet hall. The property maintains locational advantages which are preferable for the types of events held at banquet halls such as religious celebrations and weddings.
- The use of the property for a banquet hall is complementary with the adjacent rehabilitation centre to the west, a sensitive use, as it will not result in any undesirable impacts which would hinder the functioning of this operation.
- Given that the subject property is entirely buffered along its east and south sides, is adjacent to a sensitive use at its west side, and fronts onto Rutherford Road, it will not result in an undesirable infiltration of a use in an employment area intended for heavy and light employment uses. Additionally, this buffering will ensure that banquet hall patrons will not be exposed to safety hazards which could result from the employment area.
- The buffering around the property's developable portion prevents the threat of any future expansion of non-typical employment uses within this employment area.
- The subject property's location along Rutherford Road, an arterial street, will provide for an access point exclusively for the banquet hall's employees and users. Vehicular travel to and from the subject property will be completely separate from the rest of the block. This means that traffic and parking generated by the banquet hall will not interfere with the functioning of surrounding employment uses in terms of the movement of goods and

trucking activities, which are critical to the successful functioning of typical employment uses.

- The banquet hall will not discourage other typical employment uses from locating in Block 59.

Designations which Permit Banquet Halls

- Many of the City's existing banquet halls are located in prestige employment areas. As noted previously, there is no land use designation in the VOP which explicitly permits banquet halls.
- Locating a banquet hall in a dense, mixed-use area, such as on an intensification corridor intended for greater density, a mix of residential and non-residential uses and frequent transit service, is not compatible with the nature of banquet hall facilities. Banquet halls are low-intensity uses given their more limited operating hours and typically occupy stand-alone buildings.
- Other municipalities explicitly permit banquet halls in their employment designations. For example, the City of Mississauga Official Plan permits banquet halls in the *Business Employment* and *Industrial* land use designations. Additionally, the Town of Richmond Hill, also located in York Region, permits banquet halls in the Town's *employment area* designation and encourages them to front on an arterial street.

Given the site's notable environmental constraints and surrounding context, the subject property is not characteristic of the other lots located within Block 59 which are intended for typical employment uses. The proposed use of the property for a banquet hall will enhance the site's existing environmental and cultural features and provide an opportunity to maximize the use of a property which has limited potential for future development. If it is the position of the Region that a change in the property's current Prestige Employment land use designation is required to move forward with this proposal, we would be responsive to this request and further discussions.

Concluding Remarks

This correspondence is being submitted to request that consideration be given to develop the subject property for a banquet hall. This would enable the City of Vaughan to make use of a site which is targeted for development but is highly constrained from a cultural, environmental and consequently, a developable land area perspective.

We kindly request to be notified of any future reports and meetings and will continue to monitor the MCR process as well. Thank you for the opportunity to provide this letter and we would be open to future discussions regarding the development of the subject property should there be any opportunities for this.

We reserve the right to provide additional comments throughout this process. Should you have any questions, please contact the undersigned (ext. 245) or Jenna Thibault (ext. 309).

Yours truly,

Weston Consulting

Per:



Sandra K. Patano, BES, MES, MCIP, RPP
Senior Planner

- c. S. Malcic, York Region, Planning and Economic Development
- J. De Lima, York Region, Planning and Economic Development
- B. Kiru, City of Vaughan, Interim Director of Policy Planning/Environmental Sustainability
- C. Messere, City of Vaughan, Development Planning Department
- J. Di Poce, Di Poce Management Limited