



**COMMUNICATION : C 16  
COMMITTEE OF THE WHOLE (2)  
MAY 20, 2020  
ITEM # 10**

Office of the City Clerk  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

May 20, 2020

**Attn: Members of City Council  
City of Vaughan**

**RE: Region of York Municipal Comprehensive Review  
Planning for Employment and Employment Conversions  
661 & 681 Chrislea Road, Vaughan**

We act as legal counsel to Battcorp Holdings (Vaughan) Ltd., the registered owner of the properties municipally addressed as 661 and 681 Chrislea Road in the City of Vaughan (the "Battcorp lands").

Our client has proposed a conversion of its lands for an orderly redevelopment of the lands with its immediate neighbours on the south side of Langstaff Road between Weston Road and Highway 400, with input of its planners, Weston Planning Consultants. Your staff's reaction, from the very first meeting last year, was *"We will oppose this request and so advise Vaughan Council"*.

Our clients are of the view that Vaughan Staff, in concert with Regional Staff, have taken a very abstract and theoretical planning view of all requests and NOT carried out the type of analysis necessary to bring forward appropriate recommendations to your Council.

This letter seeks deferral of Committee's and Council's decision now of the various conversion requests made in order for a much more detailed and sensitive planning analysis be carried out, including the possible consideration of a draft Master Plan, or even secondary plan for the lands on the south side of Langstaff Road, west of Highway 400 to Weston Road, including the Battcorp lands.

Quite simply, the core of the numerous Staff recommendations to you are based on preconceived conclusions triggered by a theoretical checklist of abstract planning theory rather than a series of in-depth analysis of thoughtful Owner submissions responding to those very theoretical issues raised. In most cases, **the very first time that Owners met with staff at the Region, with Vaughan planners joining in, Owners were told that their requests were going to be refused.** In our

submission, a conversion request deserves more review than staff has undertaken and hence the request for the deferral so that Council will have better information to it to take advantage of opportunities for community building that exist, at certain locations in the City including the Battcorp site and immediate area to Weston Road.

This is the only planning process we are aware of where proponents have been told from the very first meeting that their proposals were to be rejected, as opposed to a good faith and open-minded review of all materials and dialogue that was to occur during the planning process.

## **Background**

Our client owns lands immediately abutting a non-employment area on the south side of Langstaff Road, east of Weston Road. The subject lands are located on the west side of Highway 400, abutting the southbound access ramp; however, the site does not have direct access to Highway 400 or Langstaff Road.

The site is fully developed on the south side of Langstaff Road from Weston Road to the Highway 400 interchange. The established land uses are entirely commercial, service commercial, office and institutional, catering to the needs of the employment community and nearby residential community. The 'land use function' is overwhelmingly a service node catering to the needs of the employment community rather than being part of it. It is our contention that a healthy and vigorous Employment Community requires convenient access to a range of non-employment uses, preferably at its periphery.

Performance standards for both employment and non-employment uses are vigorous and the existing employment area does not include any industrial uses that emit objectionable noise or odors. Mixed-use communities are routinely subject to vigorous scrutiny during the approval process to ensure they do not impose restrictions on their neighbors and we see no reason why the Battcorp lands might be an exception.

The lands immediately to the west of the Battcorp lands extending to Weston Road are identified as being within the *Community Area* in accordance with Schedule 1 – Urban Structure of the Vaughan Official Plan and are designated *Community Commercial Mixed-Use* by Schedule 13 – Land Use. Inconsistently, the proposed Regional designation for the Battcorp lands only is *Employment*. Both Regional and City Staff are not recommending that these westerly lands be designated for employment uses. We agree and believe that this treatment should also include our client's lands.

The Battcorp lands have been removed from the Provincial Significant Employment zone ("PSEZ") by the latest mapping released by the Province in December, 2019. This gives our client's lands the same treatment by the Province as the lands immediately to the west outside of the PSEZ, whereas the other lands to the north and south remain within the PSEZ designation.

## **Staff Report Analysis**

We have reviewed the Request for Comments: York Region Evaluation of Employment Land Conversion Requests Staff Report, prepared by City of Vaughan Staff and dated May 20, 2020, and

its associated attachments, including Attachment 5 – Staff Recommendations for Each Request ID 6 as it relates to our client’s lands. Staff are opposing the request for conversion.

In their Report, Staff address the policies of the Provincial Policy Statement (“PPS”) and the Growth Plan for the Greater Golden Horseshoe, 2019 (“Growth Plan”). As previously noted, our client’s lands have been excluded from the Province’s mapping for Provincially Significant Employment Zones undertaken as part of the revisions to the 2019 Growth Plan. This indicates that the Province does not consider the Battcorp lands to be important or significant on a provincial level to accommodate employment growth.

#### Local Employment Conversion Assessment Criteria

In addition to the Provincial and Regional assessment criteria, City Staff have identified a series of local criteria to used in the consideration of employment conversion requests.

1. *The conversion involves the introduction of a sensitive use (i.e. residential) into an area that is predominated by uses that are incompatible with sensitive uses.*
2. *The conversion is located close to major public infrastructure that, either individually or cumulatively, provide a further level of incompatibility (e.g. rail yards, major highways).*
3. *The conversion is in an area that would constitute an unplanned expansion of a defined secondary plan area that is either approved or identified as an area requiring a secondary plan.*
4. *The conversion is located in an area where its approval would constitute piece-meal planning, potentially prejudicing the future of the current uses and creating expectation of further conversions.*
5. *The conversion is located in an area that is deficient in the appropriate urban design/streetscape and services, (e.g. for residential) such as walkability, parks, community level retail and amenities, schools and community facilities.*
6. *The conversion is part of a logical planning unit. In this case, the conversion request is considered to be premature and identifies the need for a comprehensive planning exercise to establish the long-term future (e.g. via a secondary plan) to confirm the appropriate uses and densities, and ensure that all the required infrastructure (e.g. internal roads and accesses, water, sewers, stormwater management), services and amenities are in place to support the community.*

These criteria, as they apply to our client’s lands, are addressed in detail below.

#### Staff Assessment and Recommendation

In the summary of their assessment, Staff have made a number of comments related to their recommendation to not support the conversion of the Battcorp lands, which we indicate below with our comments:

- *The site is almost entirely surrounded by industrial uses. Permitting non-employment uses can potentially introduce compatibility issues with surrounding employment uses.*

We submit that this is not the case. The lands located immediately to the west of the Battcorp lands are not located within an employment area and are designated for non-employment uses. As such, the precedent for non-employment uses along the south side of Langstaff Road east of Weston Road has already been established. Similarly, the land uses in the immediate area, including the employment areas to the north and south of our client's lands, generally consist of non-traditional employment uses such as corporate offices, showrooms, dance schools, eating establishments, private schools and commercial uses. This demonstrates that the surrounding area has developed as a stable area with established businesses that are not subject to issues of noise, odour or other adverse impacts typically associated with traditional employment uses. As a result, the Battcorp lands present an opportunity to accommodate higher order uses without resulting in any undue impacts.

The employment lands to the south are separated by a public road and are predominantly characterized by non-traditional employment uses that do not require significant separation from more sensitive uses. The conversion of the Battcorp lands to non-employment uses would not result any adverse impacts on the surrounding employment area, nor would it affect the long-term viability of the employments lands given their established and stable non-traditional character.

- *The site is located in proximity to the Highway 400 and abuts a ramp to the highway which provides a further level of incompatibility with sensitive uses.*

The Battcorp lands have no functional relationship to Highway 400. While they abut the start of the southbound entrance ramp, their vehicle access is from the south from Chrislea Road and on the west from Silmar Drive with no direct access to Langstaff Road. Since Highway 400 at this location is at a lower grade and the overpass for Langstaff road is higher, the visibility of the properties from the highway is not a factor.

The conversion of these lands to non-employment uses would not set a precedent for the conversion of other sites along 400 series highways. Given their unique context with no functional access to Highway 400 and their relationship with the non-employment lands to the west, the Battcorp lands do not have a typical relationship with the 400-series highway. Furthermore, numerous properties, particularly within the City of Vaughan, that direct abut and have a more typical relationship with Highway 400 already support non-employment uses, including in some cases residential uses.

- *The site is located in an area where its approval would constitute piece-meal planning and will potentially prejudice the future of the current uses and create expectations of further conversion. As per the Region's Criteria, the approval of the request may destabilize or adversely affect current or future viability and/or identity of the employment area.*

Given the contextual relationship with the non-employment lands to the west, the south side of Langstaff Road has the opportunity to function as a primary corridor to provide non-employment

services to the surrounding employment lands. A successful employment node requires supportive non-employment uses to ensure its viability over the long term. Our client's lands represent an opportunity to provide these services to the support function and economic viability of the existing employment area. The intent of the redevelopment of these lands is to support the function and future viability of the surrounding employment area, rather than destabilize it.

The collective development of the lands along the south side of Langstaff Road between Highway 400 and Weston Road would be undertaken through a comprehensive planning exercise, such as a secondary plan process, which would eliminate the possibility of "piece-meal" development. The Battcorp lands are unique given their contextual location adjacent to existing non-employment lands and being located outside of the PSEZ, which characterizes the remainder of the surrounding lands to the north and south. As such, this context, in conjunction with the preparation of a secondary plan for the non-PSEZ lands south of Langstaff Road, would eliminate expectations for future employment conversions for the surrounding employment area lands.

- *The site is considered as a viable functioning employment land.*

We submit that this is not the case. As previously described, the Battcorp lands, as well as the non-employment lands to the west, are not currently occupied by employment uses. The current use of these lands is distinctly commercial and the recommendation to designate the site for employment uses would essentially create a legal non-conforming use of the Battcorp lands. Additionally, the opportunity to add employment uses to these lands comes from a mixed-use land use designation, which would allow for higher order land uses including a significant expansion of the number of jobs provided on these properties.

As discussed, the Province has removed our client's lands from the PSEZ designation, which indicates that these lands are not important or significant on a Provincial level in contributing to current or future employment needs.

- *The site is located in an area that is deficient in the appropriate ambience and services. The land does not have sidewalks, parks, schools or community facilities.*

We submit that this statement does not accurately reflect the current conditions of our client's lands. Municipal sidewalks currently exist along all three abutting street frontages, including along Langstaff Road, Chrislea Road, and Silmar Drive. These sidewalks provide connections from the Battcorp lands to the surrounding non-employment lands to the west and the largely commercial lands to the north, as well as direct access to Regional transit routes along Langstaff Road.

The site is located in close proximity to a large residential neighbourhood on the west side of Weston Road, which contains a range of community services and facilities, including public parks, schools and places of worship. Furthermore, the intent of the proposed land conversion is to allow for the redevelopment of the Battcorp lands for a mix of uses, which would contribute to the services and facilities available in this area. The comprehensive redevelopment with the westerly non-employment lands would further support this objective.

## Conclusions

Staff's review of the Battcorp request makes no mention of existing uses on the Battcorp site. The recommendation from Staff, if carried forward, would result in Council creating a number of Non-conforming legally existing uses on the Battcorp site. In particular, there are a number of existing uses that are NOT Employment Uses: this includes;

- a. A private school for students with Autism (Crystal Ladder Learning Centre),
- b. A Pet Store with ancillary services of grooming, daycare and training (Woofurs Holistic Pet Care),
- c. A Private College (Reinhard College),
- d. A full menu sit down restaurant with drive through,
- e. A variety of automotive services and corporate head offices.

**These are clearly NOT typical core Employment uses. Nowhere in staff's reporting has any of this been reported to you. And there has been no consideration of creating non-conforming uses through the existing process.**

As acknowledged by the staff report (Local Criteria to Assess Employment Land Conversion Requests #6, pages 13), properties may be better addressed through a further comprehensive planning exercise, which could include some form of a draft secondary plan.

At this time, we request that a decision on the current employment conversion request for our client's lands be withheld until further planning analysis has been completed, including a full consideration of information provided by the Owner, for the lands on the south side of Langstaff Road between Highway 400 and Weston Road, including the Battcorp lands.

Thank you for the opportunity to provide these comments. Should there be any questions with respect to the content of this submission, please contact the undersigned at 416-400-1967.

We understand that the meeting being held on Wednesday will be conducted by Skype and it is our intention and request to make a short deputation regarding these matters and note the 5-minute limit.

All respectfully submitted,  
**HOROSKO PLANNING LAW**



*(Original signed by B. A. Horosko)*

Barry A. Horosko, BES, JD.

cc. Battcorp Holdings (Vaughan) Ltd.  
P. Weston, Weston Consulting