

AIRD & BERLIS LLP

Barristers and Solicitors

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September 5, 2007

VIA FAX & EMAIL

Our File #91037

Denis Kelly
City Clerk
Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Dear Mr. Kelly:

**Re: City of Vaughan Official Plan Amendment No. 653
Deputation to Planning & Economic Development Committee on
September 5, 2007**

Aird & Berlis LLP has been retained by MI Developments ("MID") in respect of its concerns with and objection to City of Vaughan Official Plan Amendment No. 653. MID is a party to the Ontario Municipal Board ("OMB") proceeding which has been commenced by Tesmar Holdings Inc. ("Tesmar").

Our client strenuously objects to the conversion of employment lands in the Jane Street Corridor and to the introduction of incompatible and destabilizing residential uses on lands adjacent to established employment uses such as our client's lands and the CN MacMillan Marshalling Yard.

On behalf of our client we strongly support the recommendations contained in the report from your Planning and Development Services staff that OPA 653 be denied and that Regional staff be authorized to attend at the OMB hearing in this matter in order to support the Region's objection to same.

MI Developments

MID is an affiliate of Magna International Inc. ("Magna"). MID has 13 separate facilities in the City of Vaughan, totaling more than 1.96 million square feet of industrial/employment space. In addition, Magna owns an additional 15 facilities containing over 1 million square feet, for a total of 28 buildings with over 3 million square feet within the municipality.

MID owns lands municipally known as 401 Caldari Road, which are immediately adjacent to the lands which are the subject of applications by Tesmar Holdings Inc. for an Official Plan Amendment (now approved as Official Plan Amendment No. 653) and related Zoning By-law Amendments not yet considered by Vaughan City Council. The MID lands at 401 Caldari Road are designated and zoned for employment uses.

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Maple Stamping Facility

Our client's lands are leased to Maple Stamping which operates heavy stamping presses and manufacturing lines in the manufacture of parts for the automotive industry. Maple Stamping assumed the lease of the premises at the beginning of 2006 and, since then, has been in the process of carrying out extensive renovations and an addition to accommodate a new heavy stamping press and manufacturing lines. The new building occupied and improved by Maple Stamping is over 200,800 ft² in size. The facility operates 24 hours a day, 7 days a week.

In addition to the Maple Stamping facility, the lands located at 401 Caldari Road also contain 3.23 hectares (8 acres) of vacant land zoned for an expansion of industrial uses. Future expansions are planned by Maple Stamping on this site.

Maple Stamping will initially employ 250 people, many in skilled and specially trained positions. It is expected this number will rise to over 450 people when the planned future expansions take place over the next several years. With planned future expansions the Maple Stamping operation will result in an investment of over \$100 million in plant equipment and buildings.

The Maple Stamping plant represents an important investment in the employment base for both the City of Vaughan and the Region of York. The additional jobs created by this investment will assist the City and the Region in meeting the employment forecast of 780,000 jobs for York Region established by the *Growth Plan*. This investment by Maple Stamping maintains and strengthens the employment area which is anchored by the presence of the CN MacMillan Marshalling Yard and is consistent with the clear policy thrust evidenced in the 2005 PPS, the Growth Plan and Bill 51 of protecting and enhancing employment areas.

Introduction of Residential Uses will Impact on Maple Stamping

The plant, by its very nature, creates noise both directly as a result of the stamping of metal as well as noise related to large transport trucks which deliver and pick up from the plant continuously. The operations undertaken by Maple Stamping at the plant will generate significant amounts of noise from 5 primary sources, being: metal stamping, scrap metal being dumped from the conveyor belt into metal bins, truck loading and unloading of steel, steel bins and finished products, placing and removing outside steel storage containers and rooftop exhaust fans and air exchanges.

The introduction of residential uses on lands immediately on the Tesmar lands is inherently incompatible with the current and future operations of Maple Stamping. We concur with the conclusions of Regional staff that residential uses "would create difficulty for existing business to expand, erode the employment area at its edges, and weaken the economic vitality of the area".

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Tesmar Application for Conversion of Employment Lands Does not Represent Good Planning and is Contrary to the Public Interest

OPA 653 has resulted in the introduction of residential uses onto lands previously designated solely for employment uses. We concur with the conclusion Regional staff that:

1. the application by Tesmar represents a "conversion application";
2. the introduction of some employment uses in addition to the proposed residential uses does not cure the application of being a conversion application;
3. the application is contrary to the 2005 PPS as there is a need for these lands to remain designated for employment uses and, conversely, there is no need to introduce residential uses on for these lands;
4. the application is contrary to the clear and comprehensive planned structure established by the City and the Region when it designated these lands as part of an employment area in OPA 450; and
5. the application is contrary to the broader public interest in maintaining and enhancing employment areas while ensuring that residential uses are placed in locations with appropriate services and amenities to support the residential population.

The PPS (2005) has set a clear policy directive which aims to protect employment lands from the intrusion of incompatible land uses. More specifically, Policy 1.3.2 requires that a "comprehensive review" be undertaken which demonstrates that employment lands are not required for employment purposes over the long term and that there is a need for the proposed conversion to another use. This review must be undertaken prior to any conversion being approved.

York Regional staff have recognized that the only appropriate course of action consistent with the framework report recently approved by Regional Council, is to undertake a comprehensive review of the employment land categories within the Region of York prior to consideration of any conversion application. No such comprehensive review was undertaken by the City of Vaughan prior to its approval of OPA 653 and no such review has been undertaken since that time.

There is no doubt that the Tesmar lands are located in an employment area and an area which remains important and vital to the City of Vaughan and the Region of York. It is recognized by Vaughan planning staff that residential uses are non-employment uses and are not compatible in an employment area. Therefore, the revised proposal to permit residential uses, whether they be alone or in conjunction with other uses, is contrary to the intention of the PPS and cannot be permitted.

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On behalf of MID we strongly endorse the recommendations set out in the Regional staff report and commend those recommendations to the Committee. Kindly provide this letter to members of Planning and Economic Development committee and other members of Council for their review and consideration.

Yours very truly,

AIRD & BERLIS LLP



Steven A. Zakem

SAZ/sw

cc. Karin Price, Region of York, Committee Co-ordinator
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