

**From:** John McGovern <[John.McGovern@ricegroup.ca](mailto:John.McGovern@ricegroup.ca)>  
**Sent:** Tuesday, June 16, 2020 9:49 AM  
**To:** Carella, Tony <[Tony.Carella@vaughan.ca](mailto:Tony.Carella@vaughan.ca)>  
**Cc:** Cardile, Lucy <[Lucy.Cardile@vaughan.ca](mailto:Lucy.Cardile@vaughan.ca)>  
**Subject:** [External] June 16 Committee of the Whole Item #10

**COMMUNICATION : C 15  
C W (2) : JUNE 16, 2020  
ITEM # 10**

Good Morning Councillor Carella,

I am requesting your assistance in bringing our concerns to today's Committee of the Whole agenda regarding Item # 10. Our concerns are clearly stated in the attached correspondence from Davies Howe which was provided to the Clerk yesterday. As the recommendation includes the satisfaction of many conditions, I respectfully request that you consider the following actions:

1. Pull the report and have our correspondence attached to the public record;
2. Amend the Recommendations by adding the following:
  - 10. THAT the property identified on Attachment 2 as " EXISTING COSTCO DISTRIBUTION CENTRE ", and further referenced as Property # 1 on Attachment # 4, shall have no further cost sharing obligations and shall not be subject to the ongoing conditions contained in Attachment 1.

Ideally, adding Recommendation 10 allows the approval to proceed without interruption and after reviewing with staff you may find that that is the expectation. We would be pleased to discuss this with staff should they wish to do so. We don't want to frustrate the process but the ambiguity in the report, as it is written, needs to be resolved.

Thank you for your consideration of this request Councillor Carella. If you have any questions please call my cell anytime at (416) 717-1987.

**John McGovern**  
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June 16, 2020

**By E-Mail Only to *Tony.Carella@vaughan.ca***

Tony Carella  
Councillor  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

Dear Councillor Carella:

**Re: Committee of the Whole Meeting June 16, 2020, Item 10- Application for Block Plan Approval File BL.59.2014, Block 59 Landowners Group Inc.**

We are counsel to Highway 27 Langstaff GP Limited (“Rice”). Rice is the developer of the lands which are shown on Attachment 2 as the Existing Costco Distribution Centre (the “Costco Lands”), which development was completed in November 2016.

We are writing with respect to Item 10 on the Agenda for the June 16 meeting of the Committee of the whole, being the Application for Block Plan Approval File BL.59.2014. The purpose of this letter is to obtain the City’s confirmation as part of the approval in principle that the Costco Lands are included in the Block Plan for information purposes only, and that the Conditions of Block Plan Approval set out in Attachment 1 do not apply to the Costco Lands. Without this confirmation, my client has no choice but to strongly object to the Block Plan as proposed to be approved in principle.

### Background

As you know, my client, the City and the other landowners in the Block 59 Landowners Group Inc. entered into Minutes of Settlement in February 2014. These Minutes required the submission of a zoning by-law amendment and site plan application in connection with the development of the Costco Lands, which applications would address infrastructure issues, including the need for certain roads and parkland in relation to the land. Although there was a recognition that a Block Plan would also be submitted, it was also clearly agreed that the Block Plan was not needed in order for the City to provide site plan approval, building permit issuance or to allow for parkland or road conveyance.

When the Block Plan application was submitted by the Landowners’ Group, all owners were aware and had agreed that neither the processing nor approval of the Block Plan was needed in order to assess my client’s development applications and the roads and

infrastructure needed to service the Costco Lands. The development was permitted to proceed to approvals without the Block Plan process and in fact it did, obtaining approval by the City on August 23, 2016, all in accordance with the Minutes of Settlement. The Costco distribution centre has been constructed and has been operational since November 2016. No further infrastructure, road construction or any other matter governed by the Block Plan is required to permit the Costco's operation on the lands. Its continued operation is independent of the Block Plan.

### Block Plan Approval

The purpose of Block Plan approval is set out in the first paragraph of the staff report: "The approved Block Plan would form the basis for the submission and review of the implementing Zoning By-law Amendment, Draft Plan(s) of Subdivision and Site Plan Applications."

This purpose does not apply to the Costco Lands. As noted, they already have an approved zoning by-law and site plan approval. The City determined that for the Costco Lands there was no need for a draft plan of subdivision. The City also determined that the processing of these applications did not have to wait until the finalization of the Block Plan. The Block Plan was not needed "to form the basis for the submission and review of the [planning applications]". Accordingly, the express purpose for which the Block Plan is being prepared and approved does not apply to the Costco Lands, and, as such, neither the Block Plan nor the conditions associated with it in Appendix 1 apply to the Costco Lands. This should be expressly recognized in the report and associated conditions.

Furthermore, the infrastructure and services needed for the Costco Lands has all been constructed, and or paid for, as part of the approval process for the Costco Lands. All required conveyances, including parkland and road infrastructure have been completed in accordance with the Minutes of Settlement entered into with the Landowners and the City. The Minutes of Settlement set out the process for finalization of full parkland contribution and road requirements.

There was no requirement or reservation in the Costco approvals for the construction of future infrastructure, or costs related thereto, to allow for the approval of and continued operation of development of the Costco Lands. None of the infrastructure contemplated within the Block 59 Block Plan, and yet to be constructed, is needed for the continued operation of the Costco Lands, nor do the Costco Lands benefit from such future infrastructure. As such, my client should not be required to pay for the costs related to interim infrastructure, final infrastructure or studies associated therewith.

As this infrastructure is unrelated to the Costco Lands. my client strongly objects to the conditions which would require it to enter into agreements as part of the Landowners Group, including, without limitation, conditions 4-8, and will not do so.

### Conclusion

The conclusion of the planning report reiterates that the purpose for the Block Plan and associated conditions is for future planning purposes and does not apply to already existing developments. It provides:

“This Conditional approval is part of a series of steps that are required for the ultimate development of Block 59. For the planning to continue, staff may determine it appropriate to report back to Council as a Communication related to this report *or as part of the technical report for draft plans of subdivision approval, explaining how the conditions have been fulfilled...*”

The Costco Lands are already approved. They have been operational for almost four years. They were permitted to proceed without a Block Plan through the consent of the City and the other Block 59 landowners. Accordingly, there is no need for a Block Plan for the Costco Lands.

While we have no objection to the Costco land being shown in the Block Plan document for informational purposes, clarification is required in the report that the Block Plan and associated conditions in Appendix 1 do not apply to the Costco Lands. Without this clarification, my client has no choice but to strongly object to the approval of the Block Plan.

Please do not hesitate to contact me should you have any questions.

Yours sincerely,  
**DAVIES HOWE LLP**



Susan Rosenthal  
Professional Corporation

SR:akl

copy: Jennifer Grove, *Planner*  
Frank Marzo, *Senior Planner*  
Client