

COMMITTEE OF THE WHOLE (2) – JUNE 16, 2020**COMMUNICATIONS****Distributed June 12, 2020**

	<u>Item</u>
C1. Mr. John De Luca, Maple, dated June 10, 2020.	21

Distributed June 15, 2020

C2. Robert A. Kenedy, PhD, President of the MacKenzie Ridge Ratepayers Association, dated June 14, 2020.	21
C3. Ms. Susan Sigrist, dated June 14, 2020.	21
C4. Steven Klupt and Michelle Kendall, Elizabeth Street, Thornhill, dated June 14, 2020.	8
C5. Terri Steeves, Vice President, Canada Gas Operations, TC Energy, Calgary, Alberta, dated June 15, 2020.	32
C6. Iveta Koskina, dated June 15, 2020.	21
C7. Mr. J.A. (Jim) Bacchus, Vice President, The Municipal Infrastructure Group (TMIG) Ltd., Dufferin Street, Vaughan, dated June 15, 2020.	10
C8. Nat Pietrangelo, Briar Group Inc., dated June 15, 2020.	21
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C14. Memorandum from the Acting Deputy City Manager, Planning and Growth Management and Deputy City Manager, Infrastructure Development, dated June 15, 2020.	10

Received June 16, 2020 (at the meeting)

C15. Ms. Susan Rosenthal, Davies Howe LLP, Adelaide Street West, Toronto, dated June 16, 2020.	10
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Please note there may be further Communications.

**COMMUNICATION : C 1
CW (2) : JUNE 16, 2020
ITEM # 21**

From: lafrate, Marilyn <Marilyn.lafrate@vaughan.ca>

Sent: June 10, 2020 7:32 PM

To: Coles, Todd <Todd.Coles@vaughan.ca>

Subject: Fwd: [External] Re: Important - Vote - KIRBY ROAD EXTENSION BETWEEN BATHURST STREET AND DUFFERIN STREET CLASS ENVIRONMENTAL ASSESSMENT STUDY-COST REVIEW AND CAPITAL BUDGET AMENDMENT

Mr. DeLuca has given permission to have his email be part of the public record for next week's mtg.

Thanks

Sent from my iPhone

Begin forwarded message:

From: JOHN DELUCA <[REDACTED]>

Date: June 10, 2020 at 6:23:08 PM EDT

To: "lafrate, Marilyn" <Marilyn.lafrate@vaughan.ca>, "Council@vaughan.ca" <Council@vaughan.ca>

Cc: "Bevilacqua, Maurizio" <Maurizio.Bevilacqua@vaughan.ca>, "Ferri, Mario" <Mario.Ferri@vaughan.ca>, "Rosati, Gino" <Gino.Rosati@vaughan.ca>, "Jackson, Linda" <Linda.Jackson@vaughan.ca>, "Carella, Tony" <Tony.Carella@vaughan.ca>, "DeFrancesca, Rosanna" <Rosanna.DeFrancesca@vaughan.ca>, "Racco, Sandra" <Sandra.Racco@vaughan.ca>, "Shefman, Alan" <Alan.Shefman@vaughan.ca>

Subject: [External] Re: Important - Vote - KIRBY ROAD EXTENSION BETWEEN BATHURST STREET AND DUFFERIN STREET CLASS ENVIRONMENTAL ASSESSMENT STUDY-COST REVIEW AND CAPITAL BUDGET AMENDMENT

Dear Marilyn,

I commend you, the mayor and Councillor Shefman for voting opposed to giving the Milani's an extra \$825,000 for the Kirby EA. The majority of the community is appalled to hear of the following Councillor's who voted in favour setting another bad precedent: Carella, DeFrancesca, Ferri, Jackson, Yeung-Racco, and Rosati.

Our tax money is foolishly being spent if these funds are to be given by Councillor's who do not take into consideration the wishes of the majority of tax payer's.

Sincerely,
E. De Luca
Maple ON L6A 2V6

**COMMUNICATION : C 2
C W (2) : JUNE 16, 2020
ITEM # 21**

From: Mackenzie Ridge Rate Payers Association <mackenzieridgerpa@gmail.com>

Sent: Sunday, June 14, 2020 3:38 PM

To: Council@vaughan.ca; Clerks@vaughan.ca; Mackenzie Ridge Rate Payers Association <mackenzieridgerpa@gmail.com>

Subject: [External] Response to Item 21 of the June 16, 2020 agenda -KIRBY ROAD EXTENSION BETWEEN BATHURST STREET AND DUFFERIN STREET CLASS ENVIRONMENTAL ASSESSMENT STUDY-COST REVIEW AND CAPITAL BUDGET AMENDMENT

Dear Members of Vaughan Council,

I looked at the Committee of the Whole agenda for June 16, 2020 and found some **very disturbing information** involving the City of Vaughan **squandering more taxpayers' dollars** due to issues related to the Milani's. As noted below, the City agreed to give the Milani's **\$325,000.00** to complete the Kirby Road Environmental Assessment Study. Then, the **Milani's recently came back to the City and now want 1.2 million dollars**. In other words, almost **FOUR TIMES** as much. Keeping in mind that this was a contractual agreement that the Milani's agreed to in order to complete the Kirby EA. Now, after doing the Kirby EA, they are asking for what amounts to a ridiculous quadruple increase in costs. Keep in mind that the Milani's hired these consultants and were in charge of the EA.

See the extract from the attached June 16, 2020 agenda (I added in the bolding, underlining, and italics):

Rizmi Holdings Limited submitted a request for additional costs in the amount of approximately \$875,000 for professional consultant services associated with completing the Environmental Assessment Study. Together with the **original \$325,000, Rizmi is seeking a compensation value of approximately \$1.2M. Following direction received at the Committee of the Whole (Closed Session) May 20, 2020**, staff seek authorization to further amend the agreement with Rizmi Holdings Limited, subject to certain terms and conditions, and approval of an associated mid-year capital budget amendment with funding from City-Wide Development Charges (Engineering).

I also have evidence which has been sent to the City and TRCA that the **Milani's have tried to deceive the City, Region, and TRCA by providing a 2019 EIS which significantly differed from the 2018 EIS** in terms of **deleting essential information, including misleading statements, and omitting facts** that were indispensable (the EIS is a requirement of the 2015 Rizmi Minister's Zoning Order). **Our Ecologist completed a "T chart" comparison between the 2018 EIS and 2019 EIS, revealing a clear absence of professional integrity and a lack of ethics** associated with those who the Milani's hired to complete the 2019 EIS. The question is then, what are we paying almost four times as much for, especially when Savanta, the same consultants who did the 2018 and 2019 EIS, and were responsible for doing the consulting on the natural heritage part of the Kirby Environmental Assessment?

Please tell me why, as taxpayers, we would want to give the Milani's almost four times what they asked for to pay professional consultants that they hired, instructed, and were responsible for overseeing based on a budget of \$325,000. In fact, a recorded vote was taken on May 27, 2020 and only Councillor Iafrate, Councillor Shefman, and Mayor Bevilacqua voted against giving the Milani's the extra \$875,000.00 (+\$325,000 = 1.2 million) for the overspending on the Kirby EA (see the link below). All the **other Councillors seemingly voted in favour of giving the Milani's the money. If it was coming out of these Councillor's personal bank accounts or their monthly pay, I would be much happier to hear that Councillors Carella, DeFrancesca, Ferri, Jackson, Yeung-Racco, and Rosoti were going to pay from their own pocket or make the Milani's pay for their foolish mistake. As long as we do not have to pay using the taxpayers to supplement incompetence, this would make more sense.**

The Milani's and Schaeffers Consulting Engineers (the professional consultants) have never done a full Environmental Assessment of this scale (or, I am told, ever)! When I sat on that sham of a "Kirby Road Citizens Liaison Committee," asked a lot of questions, got few answers, and spent time questioning Cam and others about the costs; all I got were red-faced responses and few, if any, answers - just a lot of push-back. The whole committee was a farce.

See the link below and go to the 3:00:00.

<https://pub-vaughan.escribemeetings.com/Players/ISISStandAlonePlayer.aspx?ClientId=vaughan&FileName=Council%20Meeting%202020-05-27.mp4>

Conclusion

It is ridiculous that the city allocates Mr. Milani \$325,000 and in 2019 he asks for another \$875,000.00 bringing the total up to 1.2 million, almost quadrupling the bill. I think Mr. Milani should pay for this out of his own pocket, as he knew he only had \$325,000.00, directed the EA, and took on the contractual responsibility to complete it for \$325,000.00. If the six Vaughan Councillors, who took part in the recorded vote and were in favour of paying Mr. Milani an additional \$875,000.00 feel that Mr. Milani should receive the money for almost quadrupling the bill, please have them pay out of their own pocket or have their pay garnished to cover the \$875,000.00. This would make more sense than making taxpayers responsible for poor decisions.

What is more disturbing is that Savanta, the environmental consultants, who did both the problematic Kirby Road 2019 EIS also did the work on the natural heritage part of the Kirby EA. Keeping in mind that the 2019 EIS, which is misleading, omits crucial information, and provides a deceptively different analysis to support the developer's interests, how do we know that the Kirby Road EA does not also include problematic and inaccurate information? Overall, as taxpayers, we may be paying for misleading information in the Kirby EA that could account for an almost four-fold increase in the bill that six Vaughan Councillors have burdened taxpayers with. During COVID-19, when democracy has clearly been curtailed, this is both egregious and irresponsible.

The cost breakdown for the Kirby EA is not part of a public document. We would like to see it. Item 21 in the City of Vaughan COW June 16, 2020 agenda does not disclose this information. I have found the whole process to be dubious and disingenuous. The cost breakdown should be a public document that was included in the COW agenda. In addition, an external auditor should be brought in to review and report to the public.

The 2018 EIS is clear and accurate. In addition, the 2018 EIS is half the length of the 2019 EIS. The problem is, as noted, that the 2019 EIS is misleading, omits crucial information, and provides a deceptively different analysis to support the developer's interests rather than the more accurate 2018 EIS which is more in line with the public and environmental interest.

The taxpayers are stuck with an absurd bill for the EA and the six irresponsible Councillors who voted in favour of it are getting away, yet again, with squandering more tax dollars.

Recommendations

As ratepayers, particularly the MRRA, we are not against thoughtful and responsible development or the Kirby Road extension. However, we do want a proper Kirby EA completed by the city (and not the Milani's), the 2015 Rizmi MZO followed properly by the Milani's, the City of Vaughan, TRCA, and the Region. At this point, we have found this whole development process fraught with problems and think it should be halted until the work done on the 2019 Environmental Impact Statement required as part of the MZO and the Kirby Road Environmental Assessment are both peer reviewed by an outside independent group of consultants paid for by Mr. Milani (and properly directed by city staff).

Finally, a proper independent inquiry completed by the Integrity Commissioner, Suzanne Craig, is necessary in order to investigate the Rizmi subdivision process, the application/interpretation of the 2015 MZO, the Kirby Road EA, the role Councillors, and the role others have had in turning this into a problematic mess. There also should be more transparency, and making sure developers that have a conflict of interest do not complete EA's ever again. Overall, it should have been the city that conducted the Kirby Road EA and that developers should not be completing EA's due to their inherent conflict of interest and related issues.

Sincerely,
Robert A. Kenedy, PhD
President of the MacKenzie Ridge Ratepayers Association
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**COMMUNICATION : C 3
C W (2) : JUNE 16, 2020
ITEM # 21**

From: Susan Sigrist [REDACTED]
Sent: Sunday, June 14, 2020 10:55 PM
To: Council@vaughan.ca; Clerks@vaughan.ca
Subject: [External] Item 21 of June 16, 2020 Meeting - Cost Overruns for Kirby Road Extension Class EA Study

Dear Mayor and Members of Vaughan Council,

According to Vaughan City reports

Council at its meeting in December 2015 approved recommendations permitting Rizmi Holdings Limited (RHL) to undertake the Environmental Assessment Study (EAS) and subject to the basic conditions set out in Council report – including the following:

“That Rizmi Holdings Limited be reimbursed for the cost of retaining professional consulting services associated with undertaking the Kirby Road Extension Class EA Study to an upset limit of \$325,000 (exclusive of HST) or the actual cost of the study whichever is lesser only after the Class EA study receives final approval from the Ministry of the Environment and Climate Change with funding from Capital Project DT-7112-14.”

The City subsequently entered into an agreement in November 2016 with RHL setting out the terms under which the City will reimburse for cost associated with undertaking the EAS to an upset limit of \$325,000 per Council approval December 2015.

In May 2019, RHL submitted a request for additional costs in the amount of approximately \$875,000, together with the original \$325,000 associated with completing the Environmental Assessment Study.

Why are there additional costs? What are the additional costs for? When were RHL and the City of Vaughan aware that there were cost overruns? Who should bear these cost overruns?

Why has Vaughan Council in a closed session voted to pay for these additional costs? And more precisely why has Vaughan Council agreed that taxpayers pay for these overruns?

Upon review of the OSPE (Ontario Society of Professional Engineers) Fee Guideline 2015, Section 1.0 METHODS OF REMUNERATION, Method 1.2 Time Basis states “A time and material arrangement is recommended in situations when the scope of services and/or schedule cannot be clearly defined. Rather than commit to an upset limit which imposes a fixed return for unknown risks, it is recommended that the engineer monitor fees and provide the client with regular status and forecast updates.”

According to Schaeffers’ website homepage

Schaeffers Consulting Engineers has provided innovative civil engineering services for the development industry and government agencies in the Greater Toronto Area for over four decades.

Class EA Studies have not been the expertise of Schaeffers Consulting Engineers prior to the Kirby Road Extension project. Why would Schaeffers enter into an "upset limit" contract with RHL?

Did the contract between Schaeffers and Rizmi Holdings Limited have an upset limit of \$325,000 for the Kirby Road Extension project.

So the question becomes why would RHL propose an upset limit contract for the Kirby Road Extension Class EA Study with the City of Vaughan?

The Kirby Road Extension Class EA Study was not in the Vaughan planned budget for a number of years. But RHL wants Kirby Road to open between Dufferin and Bathurst as soon as possible. It is in their interest to have this transportation route planned, approved, and completed so they can proceed with land development, and marketing and sales of a new subdivision adjacent to an extended Kirby Road.

RHL proposed an upset limit contract of \$325,000 with the City of Vaughan so that the City would agree to the Kirby Extension Class EA Study project, and agree they did. It would be difficult not to, there was no risk.

Now, four years later, RHL has asked the City to pay for the risk costs associated with this project. And Vaughan Council, excluding Councillors Lafrate and Sheffman, and Major Bevilaqua have voted to pay for the cost overrun of \$875,000.

Would Vaughan Council have agreed to a project cost of \$1.2 million in 2015/2016? This is 3.7 times the original price (not taking into account inflation). I do not think the answer to this question is "Yes".

I severely question the credibility of our elected officials and the integrity of city processes,

- firstly for allowing a landowner / developer to carry out a Class EA Study that is clearly a conflict of interest situation,
- secondly for agreeing that taxpayers pay an exorbitant amount for project overruns - 3.7 times the maximum original agreed to price,
- and finally for allowing a precedent to be set that proclaims contract prices between the City of Vaughan and any other party are not really the final price. Vaughan Council can be influenced to change their mind and vote to spend taxpayer's money without accountability.

Sincerely,
Susan Sigrist P.Eng., MBA, REA
Vaughan Resident

June 14, 2020

Committee of the Whole
City of Vaughan
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1

**COMMUNICATION : C 4
C W (2) : JUNE 16, 2020
ITEM # 8**

File Number: Z.17.021, Peter Edrey - 39 Centre Street

Dear Members,

In regards to this application for 39 Centre Street, we wish to make the following comments:

My family lives at [REDACTED] Elizabeth Street, which is the property directly adjacent to 39 Centre Street on the south side of the parking lot. Our main concerns are with safety as a result of the By-Law 1-88 exceptions being sought regarding the number of parking spots and the size of the landscape strip. We oppose the application for the property to be rezoned from R1V to C1 (Restricted Commercial Zone) for the following reasons:

- 1) The design does not meet Zoning By-law 1-88 Standard requirements.
 - a) From Table 1 b., the parking lot requirement is for 9 parking spaces. The applicant is seeking an exception to 6 parking spaces.
 - b) From Table 1 l., the landscape strip requirement is 2.4 m. The applicant is seeking an exception to a size of 0.46 m.
- 2) We do not believe there will be adequate parking given the demand for parking spots at this site. We do not agree with the view that 6 parking spots are sufficient to meet parking demand. The reality of the situation is that on many days there are around 9 to 11 cars parked in the lot (please see Appendix 1 for pictures). The number of cars actually parking in the lot is more aligned with that required by Zoning By-law 1-88 which is 9 spots. Further, we believe there should not be a By-law exception granted in this regard because the property ownership can change and demand for spots may all of a sudden be greater. In our opinion, this is why there is a By-law in this regard. It is hard to accurately forecast parking demand for the site itself because property ownership changes through time, hence the By-law requirement should be met.
- 3) The current site By-law allows for only 3 parking spaces. There have been around 9 to 11 cars parked on site. This is around three to almost four times the amount of cars that are currently allowed according to the By-law. We have little reason to believe any new site By-law will be respected.

- 4) Another concern is the proposed south landscape strip of 0.46m is way too small. A proper landscape strip offers a buffer between a commercial and residential property. In our case the buffer would address our concerns regarding cars accidentally backing up onto our property, as well as car exhaust spilling over the property line into our yards. The Site Plan design does nothing to mitigate the effects of the loss of a proper landscape strip. Planting new cedars is not a solution because newly replanted and existing cedars can still die.
- a. Instead of relying on a small existing wood curb and cedar hedges to stop cars, the site plan could have included some type of fencing/masonry wall.
 - b. We believe some type of fencing/masonry wall would be helpful because it serves the dual purpose of acting as a barrier to cars and blocks car exhaust. Even a 3 foot masonry wall would be better than none. We do not believe this would be out of place for the neighbourhood as this is a side yard.

In conclusion, we believe the Zoning By-laws discussed above were put in place for valid reasons. As stated from the City of Vaughan website¹: “The purpose of a property by-law is to ensure a safe, clean and peaceful community that improves the quality of life for all.” This nicely sums up how we feel about the issues raised above. As the adjacent neighbour, we oppose this application because it directly impacts the safety, enjoyment and pleasure my family derives from using our property. We do not feel the enjoyment of our property should be sacrificed to this extent. As the adjacent neighbours, we feel the proposed land use is not compatible with the existing surrounding area.

Respectfully Submitted,

Steven Klupt and Michelle Kendall
■ Elizabeth Street
Thornhill, ON L4J 1X9

1. https://www.vaughan.ca/services/residential/by-law_enforcement/Pages/default.aspx

APPENDIX 1

PARKING LOT PICTURES

These pictures show cars parking at the front of the house and at the side of the house at the South side of the lot adjacent to our property.

















TC Energy

450 - 1 Street S.W. Calgary, AB

Canada, T2P 5H1

Tel: 403-920-5128

terri_steeves@tcenergy.com

June 15, 2020

Sent by Electronic Mail

Mayor Maurizio Bevilacqua and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

**COMMUNICATION : C 5
C W (2) : JUNE 16, 2020
ITEM # 32**

Dear Mayor Bevilacqua and Members of Council:

Mayor Maurizio Bevilacqua and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

Dear Mayor Bevilacqua and Members of Council:

**RE: Committee of the Whole, June 16, 2020
Addendum Agenda Item 32
Request from Block 41 Landowners Group for a Minister's Zoning Order**

We write further to our letters to you of May 26, 2020 and June 8, 2020, with respect to the request for a Minister's zoning order for Block 41, copies of which are attached.

We had previously requested that this request be the subject of a full staff report, given the significance of the imposition of a zoning order. We were extremely disappointed to see that a resolution has been proposed in support of requesting a zoning order, with no analysis or recommendation from staff.

If a zoning order is imposed, it will determine the location and type of land uses within the Block 41 secondary plan, and the legal rights that come with those uses. Normally, the determination of development rights through zoning is the subject of a comprehensive process, supported by all of the studies that are required by the City of Vaughan. A public process is also required. A request to the Minister to enact an order bypasses all of that process and is effectively the equivalent of Council approving zoning for 330 ha with none of the supporting reports and consultation the City requires as part of its normal process.

TransCanada PipeLines Limited (TCPL), a subsidiary of TC Energy, is not opposed, generally, to the development of Block 41. It is opposed to circumventing the public process and comprehensive studies that are contemplated and required by the *Planning Act* and OPA 50. It is concerned about the consequences



of the development as it has been proposed to date and concerned about what would amount to the removal of a critical process with respect to zoning. Given the legal significance of granting zoning rights through a ministerial order, we ask that if Council does pass the resolution as proposed, it at least include a number of conditions that are necessary to protect the public interest in ensuring compatible development to the greatest extent possible. In our view, and in order preserve these safeguards, at a minimum the following conditions should be incorporated:

1. All zones located within the Noise Influence Area be subject to an (H) Holding zone, to be lifted only once all steps required by OPA 50 (as approved by the Region) that must take place prior to any zoning approvals are completed. These steps include¹:
 - a. that potential adverse noise impacts due to low frequency sound shall include appropriate construction techniques and/or building materials that will mitigate potential adverse noise impacts due to low frequency sound to an interior sound level of 30 dBA²;
 - b. Noise Feasibility Studies prepared to the satisfaction of the City in consultation with TC Energy to address sound level limits, including implementing mitigation to address low frequency noise;³
 - c. consultation with TCPL for all proposed development within the Noise Influence Area⁴;
 - d. all development within the Noise Influence Area meet the listed requirements of policy 3.10.20 related to the preparation of acoustic modelling, noise feasibility studies and noise mitigation measures, including registration of warnings on title.
2. All development is consistent with all applicable federal laws, including any requirements set out in the *Canadian Energy Regulator Act* and *Canadian Energy Regulator Pipeline Damage Prevention Regulations – Authorizations*.
3. Zoning standards that ensure that:
 - a. a principal building or structure shall have a minimum setback of 7 metres from the edge of any pipeline right of way;
 - b. any accessory building or structure have a minimum setback of 3 metres from the edge of any pipeline right of way and a minimum setback of 7 metres from the TC Energy fence line around the compressor station site;
 - c. the following shall be setback a minimum of 7 metres from the edge of the right of way: driveways, roads, parking and parking areas.

¹ Policy numbers reflect re-numbering after the modifications approved by the Region of York

² OPA 50 policy 3.10.11

³ 3.10.16

⁴ 3.10.19



Notwithstanding that TCPL is fundamentally opposed to the request for a zoning order, it remains committed to working with the City and the landowners as this matter moves forward.

Yours very truly,

A handwritten signature in black ink that reads "Terri Steeves". The signature is written in a cursive, flowing style.

Terri Steeves
Vice President, Canada Gas Operations
TC Energy

Encl.

Cc: Block 41 Landowners Group



TC Energy

450 - 1 Street S.W. Calgary, AB

Canada, T2P 5H1

Tel: 403-920-5128

terri_steeves@tcenergy.com

June 8, 2020

Sent by Electronic Mail

Mayor Maurizio Bevilacqua and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

Dear Mayor Bevilacqua and Members of Council:

RE: Request for a Minister's Zoning Order – Block 41 New Community Area

TransCanada PipeLines Limited (“**TCPL**”), an affiliate of TC Energy, is the owner of approximately 100 acres located generally in the concession block that is the subject of proposed OPA 50 to City of Vaughan Official Plan. TCPL has operated a compressor station at this location since 1959 (the “**Compressor Station**”).

As you know, we have been an active participant in the development of the OPA 50, both as a landowner and a commenting agency on the Technical Advisory Committee. We have provided detailed comments and made deputations to the City and Region expressing our concerns with respect to the residential development that is proposed adjacent to our active, and expanding, industrial use site. While a number of changes were made by the City and Region in response to the comments from TCPL, we continue to have concerns with respect to OPA 50 as approved, and as a result we exercised our right to appeal the approval to the Local Planning Appeal Tribunal.

TCPL's Ongoing Efforts with the Group

TCPL has also been proactive in reaching out to, and meeting with, the Block 41 Landowners Group (the “**Group**”). TCPL has met formally with them twice in the fall/winter of 2019. Both prior to, and following, the filing of the appeal of OPA 50 there has been clear communication to the Group that TCPL fully intends to participate in ongoing discussions with the Group, as well as the City to try and resolve its outstanding concerns. We have also provided to the Group a copy of the appeal letter and advised the Group's counsel of the LPAT file number to ensure that the Group remained up to date on the appeal process. TCPL was under no legal obligation to have done so, but wanted to ensure that the appeal process was transparent.

TCPL has also been clear that it needs to have complete information from the Group in order to understand the implications of OPA 50 on a number of matters, including stormwater management, road crossings, proposed Block Plan layout and noise. As recently as April 10, 2020, we specifically requested confirmation that we had the most up to date Block Plan and confirmed that we continue to wait for complete information on stormwater management.



TCPL was therefore surprised and disappointed to have been provided with a copy of the Group's letter dated May 21, 2020, addressed to the City requesting support for the extraordinary remedy of a Minister's Zoning Order. TCPL did not receive the courtesy of a copy of that letter from the Group.

Surprising Changes to the Block Plan

TCPL was even more surprised and disturbed to find that the Block Plan attached to the May 21 letter (the "**Revised Block Plan**") differed in fundamental aspects from the Block Plan that it was advised was the most up to date. The Revised Block Plan also differs from every Block Plan that has previously been provided by the Group for public review. Key changes include a reconfiguration of the street and land use layout adjacent to the Compressor Station, with the result that:

- a. What appear to be single family residential lots will now be 30-40 metres closer to the Compressor Station;
- b. The removal of a row of medium density homes that we had understood would include a continuous row of garages that was proposed as noise mitigation, such that any potential homes would no longer have whatever noise mitigation benefits the garages would offer;
- c. Roads and residential areas are now proposed within setbacks that are defined in the City's own bylaws and appear to encroach on the TCPL pipeline rights of way and in some areas the pipeline itself to the north and east of the Compressor Station. This presents safety issues and TCPL would not permit the construction of what is shown on the Revised Block Plan within and proximate to its pipeline rights of ways; and
- d. Gaps in the residential development to the east of the Compressor Station which could result in further noise issues being created.

We attach an overlay of the locations of the pipelines and the Revised Block Plan.

The approval of a zoning order which implemented the proposed Block Plan would ignore the City's existing policies with respect to setbacks from pipeline infrastructure. This in particular highlights the danger of trying to avoid the necessary review and scrutiny that comes with a proper public process leading to the development standards contained in a zoning by-law. Throughout TCPL's participation in the Block 41 we were repeatedly advised by the City and the Group that TCPL's concerns would be addressed at the later stages of development (including zoning). Your advancing a request for a ministerial zoning order would to the opposite of this and departs from the process you committed to TCPL would be followed to address TCPL's concerns.

Federal Jurisdiction over Pipeline Rights-of-Way and "Safety Zone"

To be clear, a ministerial zoning order would not over-ride TCPL's written consent/approval or federal requirements which are necessary for the construction of any facility or vehicle crossing over, on, along, or under TCPL's pipeline right-of-way and any ground disturbance activity within the prescribed area ("safety zone"). A zoning order that reflected the Revised Block Plan, and any effort to rely on that order to obtain building permits within those prescribed areas would raise significant and unnecessary jurisdictional issues.



Noise – and the Health and Land-Use Compatibility and Associated Issues

We attach a copy of the Revised Block Plan, overlaid with noise contours, identifying the extent of the noise and land use incompatibility issues that are raised by the Revised Block Plan. TCPL has found throughout its operations that human responses to noise vary, but residents located adjacent to or in close proximity to the Compressor Station may experience negative reactions to noise from the station that could be considered a health concern. This is consistent with Health Canada findings that noise can cause adverse effects on physical, mental or social well-being. In addition to noise associated with day to day operations, there will be occasional blowdowns, which are sudden loud releases of pressurized natural gas from the pipeline. These occur outside of the buildings. While most blowdowns are planned, and notice would be given to residents, they can occur at any time for safety reasons, including in the middle of the night.

Provincial Land-Use Policies

Further, proceeding with a ministerial zoning order would undermine the policies that Council has supported through its adoption of OPA 50. In particular, it would undermine policies that the Group itself has pointed to in prior deputations to Council in suggesting that TCPL's concerns could be addressed through the zoning process. The imposition of a zoning order would remove the ability to have public scrutiny and comment on zoning standards. In particular, we draw Council's attention to the following policies that make clear there is work to be done and studies to be completed prior to zoning being approved:

3.10.12 – References that the City will ensure “through the Implementing Zoning By-law” and other development approvals “that potential adverse noise impacts due to low frequency sound” will be mitigated. The imposition of a zoning order in the absence of that work being done will limit the ability to ensure Council adopted standards are met;

3.10.17 - Requires that Noise Feasibility Studies shall be prepared to the satisfaction of the City in consultation with TCPL “prior to the approval of an Implementing Zoning By-law”. The imposition of a zoning order as requested by the Group avoids this Council adopted requirement;

3.10.20 – Requires consultation with TCPL during the implementing zoning process. By going straight to Council seeking support for a zoning order, and not having the courtesy of advising TCPL of the request, the Group is avoiding the Council adopted requirement to consult with TCPL;

3.10.21.3 – Requires that “All further planning approvals” shall be subject to noise mitigation techniques as identified in a Noise Feasibility Study. The imposition of zoning in the absence of studies being completed limits the ability to address noise mitigation through either separation (as TCPL believes is appropriate) or other mitigation measures as the residential zones will be established.

Taken together, the request for a zoning order effectively undermines these key policies that Council previously endorsed to ensure a transparent and comprehensive land use planning process.

Procedural Rights / Due Process

The imposition of a zoning order also undermines TCPL's rights under the Planning Act to a hearing of its issues. Contrary to the bald assertion in the Group's May 21, 2020, letter, the appeal is not frivolous. It



clearly raises and engages issues that relate to land use compatibility as reflected in, and supported by the Growth Plan, Provincial Policy Statement and long-standing provincial guidelines on ensuring land use compatibility between residential and industrial uses. The extraordinary use of ministerial power when fundamental issues have been raised is inappropriate and not consistent with the intent of the Planning Act. We urge Council to reject the Group's request to circumvent the public process in imposing such an order. There is an expectation from residents of Vaughan that their Council will have properly and fully considered all potential issues that arise from locating residential development adjacent to major industry. Supporting a request for a zoning order based on the Revised Block Plan which has not been properly reviewed could give rise to potential adverse effects is not consistent with Council's duties to its future residents.

Notwithstanding TCPL's frustration with this request, the manner in which it was made and the changes to the Block Plan it has only recently learned about, it remains committed to working in good faith with the Group and the City to try and resolve its outstanding concerns.

Yours very truly,

A handwritten signature in black ink that reads "Terri Steeves". The signature is fluid and cursive, with the first name "Terri" and last name "Steeves" clearly distinguishable.

Terri Steeves
Vice President, Canada Gas Operations
TC Energy

Encl. Noise Models Operating Scenarios

Cc: Block 41 Landowners Group

Produced by Stantec on behalf of TCPL. Contours based on several assumptions including absorption coefficients for the building facades that corresponded to brick (or brick veneer) with 10-mm pointing (mortar recess). The model groups individual buildings as single structures and acoustic transparency has been assigned to the structures representing groups of buildings to account for passages between the individual buildings.

TC Energy

450 - 1 Street S.W. Calgary, AB
Canada, T2P 5H1
Tel: 403-920-5128
terri_steeves@tcenergy.com



May 27, 2020

Mayor Maurizio Bevilacqua and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

Cc: Mary Real, Deputy City Manager, Community Services

Dear Mayor Bevilacqua and Members of Council,

Re: Request for a Minister's Zoning Order – Block 41 New Community Area

We have been provided with a copy of a letter dated May 21, 2020, addressed to you from the Block 41 Landowners Group. The letter asks that the City support a request to Minister Steve Clark to enact a zoning order under section 47 of the *Planning Act*.

As you know, TransCanada Pipelines Limited (TCPL) owns and operates a compressor station on approximately 100 acres in the middle of Block 41. It has been an active participant in the process leading up to the adoption of OPA 50, both as a landowner and as a commenting agency. Because TCPL's concerns were not fully addressed by the policies adopted by the City and approved by the Region in OPA 50, it exercised its statutory right to appeal that approval to the Local Planning Appeal Tribunal. We respectfully disagree with the assertion that this appeal is frivolous.

Both before and after the filing of the appeal, TCPL has made clear to the representatives of the Block 41 Landowners Group that it fully intends to continue the good faith discussions that it has been engaged in with the Group and the City in an effort to find a mutually agreeable solution that will ensure that the future residents of Block 41 live in a community that meets the City's vision. We will continue to have those discussions and work with the City and the Group in trying to find just such a solution.

Given the significance of the request to have Minister Clark exercise the extra-ordinary power of enacting a zoning order, we trust that this request will be addressed with a full staff report and that we will have an opportunity to make a full response to the request and the issues it raises.

We look forward to continuing to work with the City on this and other matters of mutual interest.

Sincerely,

A handwritten signature in black ink that reads "Terri Steeves".

Terri Steeves
Vice President, Canada Gas Operations
TC Energy

**COMMUNICATION : C 6
C W (2) : JUNE 16, 2020
ITEM # 21**

From: Koskina, Iveta [REDACTED]
Sent: Monday, June 15, 2020 10:37 AM
To: Council@vaughan.ca; Clerks@vaughan.ca
Subject: [External] Herd of Sheep

Dear Mayor and Members of Vaughan Council,

As a tax paying citizen, I demand full disclosure of facts as of how below request was approved. I demand full disclosure of supporting documents of who made this decision. I also demand an explanation on what basis this project was approved, as such providing me with similar financed project examples that were **deemed reasonable**.

I was always proud to be Vaughan citizen, but the time has come for a change of power. You are failing. You are failing us, your Vaughan families. Maybe there is something we don't know. Enlighten us, how you approved utterly unreasonable Rizmi Holdings Demands. Vaughan Council – with such acts, you treat us – the citizens of this city, as a herd of sheep, that finances your lifestyles and decision making powers. 2020 funny year, maybe it is time for complete change.

According to Vaughan City reports

Council at its meeting in December 2015 approved recommendations permitting Rizmi Holdings Limited (RHL) to undertake the Environmental Assessment Study (EAS) and subject to the basic conditions set out in Council report – including the following:

“That Rizmi Holdings Limited be reimbursed for the cost of retaining professional consulting services associated with undertaking the Kirby Road Extension Class EA Study to an upset limit of \$325,000 (exclusive of HST) or the actual cost of the study whichever is lesser only after the Class EA study receives final approval from the Ministry of the Environment and Climate Change with funding from Capital Project DT-7112-14.”

The City subsequently entered into an agreement in November 2016 with RHL setting out the terms under which the City will reimburse for cost associated with undertaking the EAS to an upset limit of \$325,000 per Council approval December 2015.

In May 2019, RHL submitted a request for additional costs in the amount of approximately \$875,000, together with the original \$325,000 associated with completing the Environmental Assessment Study.

Very much looking forward to your detailed response, explanation and possibly amendment of decision.

Iveta Koskina

**COMMUNICATION : C 7
C W (2) : JUNE 16, 2020
ITEM # 10**

PROJECT NUMBER 18209

June 15, 2020

Mayor and Members of Council, City of Vaughan
Office of the City Clerk
Vaughan City Hall
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

**Re: Committee of the Whole, June 16, 2020
Item #10, Application for Block Plan Approval, File BL:59:2014
Block 59 Road Network**

At the request of Hunter Fifty Investments Limited and Line Drive East Investments Limited, owners of all the regional road frontage lands from Line Drive to Regional Road 27 and from Langstaff Road to the limit of the Costco Distribution Centre within Block 59 (see Attachment #5 appended), TMIG has reviewed the agenda items, City of Vaughan staff report, and relevant background studies prepared and submitted for consideration at the upcoming June 16, 2020 Committee of The Whole meeting, in efforts to render an opinion on the need for one of the 'Primary Streets' proposed in the Block 59 road network. The road link in question is illustrated in the City's staff report on Attachment #5 (identified as 'Proposed') and is oriented in an east/west direction connecting Line Drive to Regional Road 27. The road is also shown on Attachment #3 of the City's staff report, but without the connection to Regional Road 27, the east/west road instead forming a 'Tee' with two cul-de-sacs on either side of the road's intersection at the northerly terminus of Line Drive.

Our understanding of the original east/west road was to ensure that municipal servicing could be provided to the various parcels in the southeast corner of Block 59 that did not and would not otherwise have local road frontage if it weren't for this roadway. Also, Line Drive and this east/west *Primary Street* (as so designated by the City) was initially proposed to extend north to connect to John Lawrie Street, the major collector road running through the middle of Block 59, connecting Regional Road 27 in the east to Huntington Road in the west.

Since the original road network was laid out, several key events have occurred. Firstly, a major development was built within Block 59 that required alteration of the original road network. The Costco Distribution Centre, situated at 100 Line Drive, the property for which extends from Regional Road 27 to the Highway 427 extension corridor, has eliminated the ability for any road to connect to John Lawrie Road from south of the Costco. Further, the properties south of the Costco have been consolidated by one owner, eliminating the need for a local road to be built to service individual parcels for development. Additionally, the east/west road would greatly degrade the ability of the owner of the now consolidated lands to develop the property as prestige employment lands as designated by the Official Plan by unnecessarily fragmenting the lands with the construction of the road. Finally, since this part of the road network can no longer be connected to John Lawrie Road, combined with the consolidation of the lands along its length, the need for this road is greatly diminished.

With due consideration of the above, it is our opinion that the east/west road should be eliminated from the Block 59 Road Network. The removal of the road would not have undue impact from a transportation perspective and should be eliminated to allow for the highest and best use for the development of the now consolidated properties in this part of the Block. The now-consolidated lands

have frontage to Line Drive, Langstaff Road and Regional Road 27, so the issue of vehicular access to this part of Block 59 can, and should be, determined at the Plan of Subdivision and/or Site Plan Application stage, when the owner proceeds with development of the lands. The existence of the original east/west Primary Street will unnecessarily encumber this property, would remove valuable prestige employment lands from development, requiring the City to maintaining an additional unnecessary road that serves little practical purpose.

Sincerely,

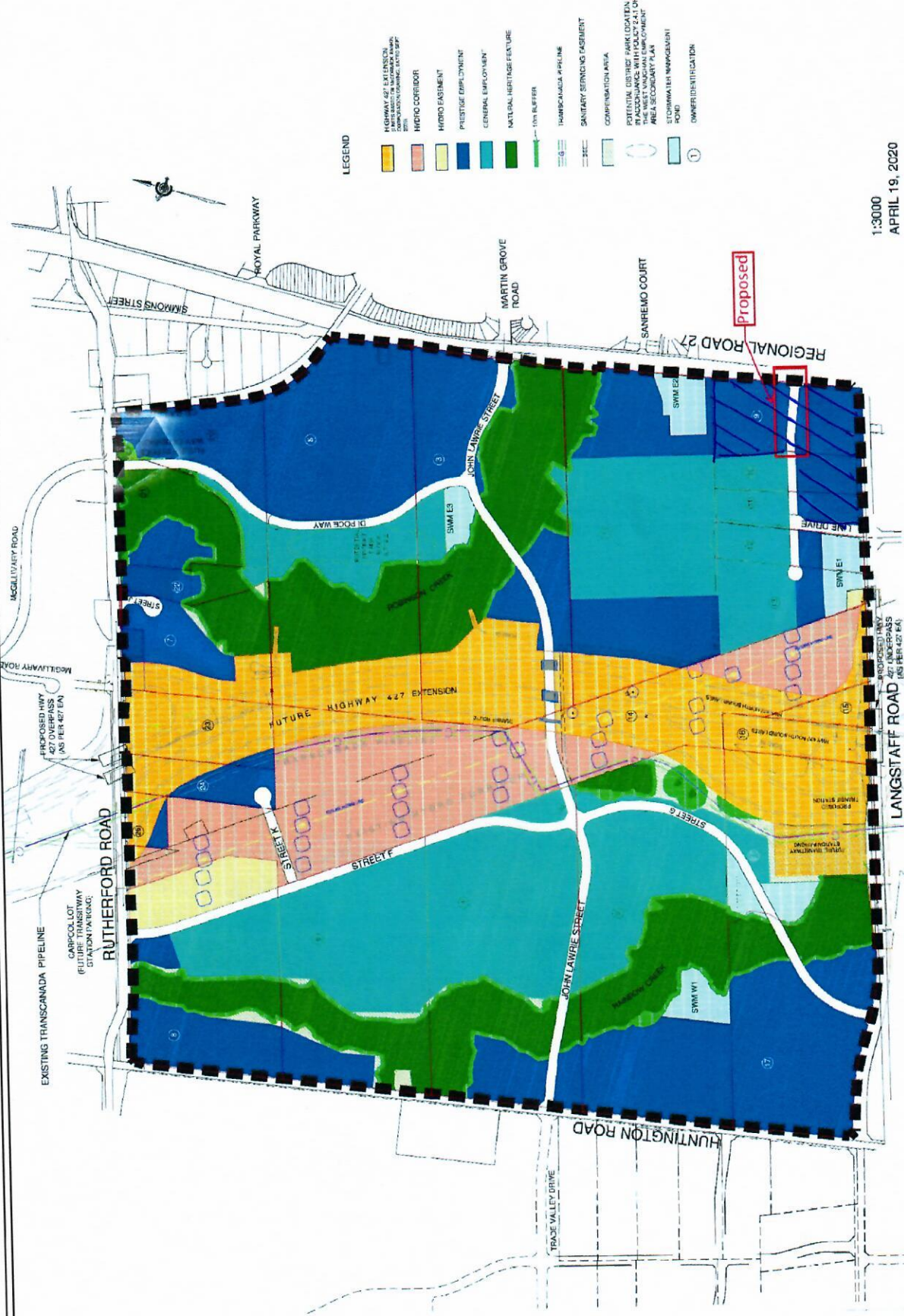
TMIG | THE MUNICIPAL INFRASTRUCTURE GROUP LTD.



J.A. (Jim) Bacchus, BA, MITE
Vice President | jbacchus@tmig.ca

cc: Joseph Sgro, Zzen Group
Sam Speranza, Zzen Group

Encl: Excerpts from Staff Report for June 16, 2020 Committee of the Whole:
Attachment #3
Attachment #5



1:3000
APRIL 19, 2020

Attachment

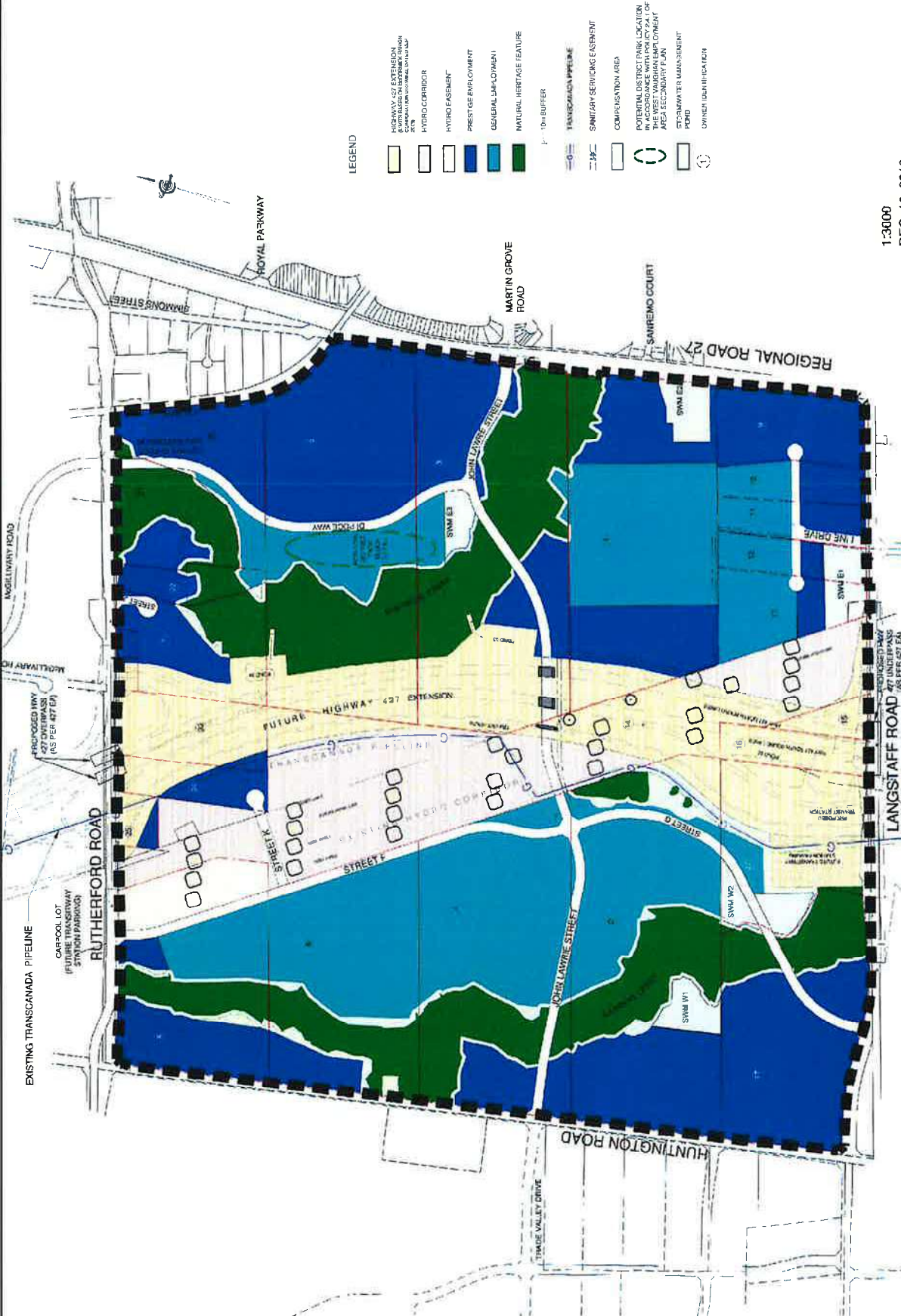
FILE: BL.59.2014
DATE: June 16, 2020



Block 59 Proposed Road Network

LOCATION:
Lots 11 - 15, Concession 9

APPLICANT:
Block 59 Landowners Group



1:3000
DEC. 10, 2019

Block 59 Land Use Plan

LOCATION:
Lots 11 - 15, Concession 9

APPLICANT:
Block 59 Landowners Group



Attachment

FILE:
BL.59.2014

DATE:
June 16, 2020

From: Nat Pietrangelo [REDACTED]
Date: June 15, 2020 at 11:28:03 AM EDT
To: "council@vaughan.ca" <council@vaughan.ca>
Subject: [External]

COMMUNICATION : C 8
C W (2) : JUNE 16, 2020
ITEM # 21

Dear Mayor and Members of Council

Regarding the June 16, 2020, Committee of the Whole, Item 21

I am outraged and opposed to the approval of the additional \$875,000 for the RHL Environmental Assessment and I ask that you rescind your approval.

We did not elect you to manage our money in this way. This should not have been voted on and approved behind closed doors. Why would Council agree to pay \$1.2 million for a \$325,000 contract. There is no difference between this matter and the City Hall over budget issue that cost taxpayers millions of dollars more.

An external audit is in order.

Sincerely....

Best Regards

Nat Pietrangelo

Briar Group Inc.
tel: [REDACTED]

From: julia.ippoliti julia.ippoliti [REDACTED]
Sent: June-15-20 9:25 AM
To: Council@vaughan.ca
Subject: [External] RHL Environmental Assessment Fraud

**COMMUNICATION : C 9
C W (2) : JUNE 16, 2020
ITEM # 21**

Dear Mayor and Members of Council

Regarding the June 16, 2020, Committee of the Whole, Item 21

I am outraged and opposed to the approval of the additional \$875,000 for the RHL Environmental Assessment and I ask that you rescind your approval.

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An external audit is in order.

Sincerely....

Ippoliti Family

From: roland gatti [REDACTED]
Sent: June-15-20 8:57 AM
To: Council@vaughan.ca
Subject: [External] June 16 council meeting

COMMUNICATION : C 10
C W (2) : JUNE 16, 2020
ITEM # 21

Dear Mayor and Members of Council

Regarding the June 16, 2020, Committee of the Whole, Item 21

I am outraged and opposed to the approval of the additional \$875,000 for the RHL Environmental Assessment and I ask that you rescind your approval.

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An external audit is in order.

Roland Gatti, Kleinburg

From: Dr. Mary [REDACTED]
Sent: June-15-20 7:23 AM
To: Council@vaughan.ca
Subject: [External] Waste of our money!!!!

COMMUNITION : C 11
C W (2) : JUNE 16, 2020
ITEM # 21

Dear Mayor and Members of Council

Regarding the June 16, 2020, Committee of the Whole, Item 21

I am outraged and opposed to the approval of the additional \$875,000 for the RHL Environmental Assessment and I ask that you rescind your approval.

We did not elect you to manage our money in this way. This should not have been voted on and approved behind closed doors. Why would Council agree to pay \$1.2 million for a \$325,000 contract. There is no difference between this matter and the City Hall over budget issue that cost taxpayers millions of dollars more.

An external audit is in order!

Dr. Mary Nadalini. Sent from my iPhone

**COMMUNICATION : C 12
C W (2) : JUNE 16, 2020
ITEM # 21**

From: Tony [REDACTED]
Sent: June-15-20 11:52 AM
To: Council@vaughan.ca
Cc: Cardile, Lucy <Lucy.Cardile@vaughan.ca>; Laura [REDACTED]
Subject: [External] June 16, 2020, Committee of the Whole, Item 21

Dear Mayor and Members of Council

Regarding the June 16, 2020, Committee of the Whole, Item 21

I am outraged and opposed to the approval of the additional \$875,000 for the RHL Environmental Assessment and I ask that you rescind your approval.

We did not elect you to manage our money in this way. This should not have been voted on and approved behind closed doors. Why would Council agree to pay \$1.2 million for a \$325,000 contract. There is no difference between this matter and the City Hall over budget issue that cost taxpayers millions of dollars more.

An external audit is in order.

Regards,

Tony Di Giuseppe
[REDACTED]

**COMMUNICATION : C 13
C W (2) : JUNE 16, 2020
ITEM # 21**

-----Original Message-----

From: Perry Bender [REDACTED]

Sent: June-15-20 11:56 AM

To: Council@vaughan.ca

Subject: [External] Kirby funding.

I think it is very shameful that council would even consider giving The Milani Group more of taxpayers money . Our entire neighbourhood is upset. You r suppose to represent us. Please do the right thing.

Sent from my iPhone

**COMMUNICATION : C 14
C W (2) : JUNE 16, 2020
ITEM # 10**

DATE: June 15, 2020

TO: Mayor and Members of Council

FROM: Nick Spensieri, Acting Deputy City Manager, Planning and Growth Management and Deputy City Manager, Infrastructure Development

RE: **COMMUNICATION - ITEM 10
COMMITTEE OF THE WHOLE (2) JUNE 16, 2020
APPLICATION FOR BLOCK PLAN APPROVAL FILE BL.59.2014
BLOCK 59 LANDOWNERS GROUP INC.**

Recommendation

The Acting Deputy City Manager, Planning and Growth Management recommends the following technical amendments to the staff report dated June 16, 2020 regarding the Block Plan for Block 59:

1. THAT Attachment #3 and #4 to the June 16, 2020 staff report be replaced with the Attachment #3 and #4 respectively included as part of this Communication.
2. THAT Condition #1 included in Attachment #1 be revised to reflect the date of June 3, 2020.

Purpose

To provide updated information regarding the Block 59 Block Plan as submitted by the Landowner's Group on June 12, 2020.

Background

Changes to the landowner ownership have continued during the preparation of the staff report. The agent for the Block 59 Landowners Group Inc. requested that updated information be represented on the appropriate Attachments to the June 16, 2020 staff report relating to land ownership and transportation.

Analysis

The requested updates do not change the intent of the Recommendations or the Conditions and represent technical amendments.

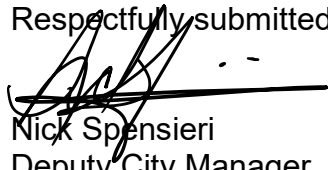
Financial Impact

None

Conclusions

The requested updates pertain to the land ownership and updating Attachment #3 and #4 provide consistency between all Attachments to the June 16, 2020 staff report regarding the Block 59 Block Plan Application.

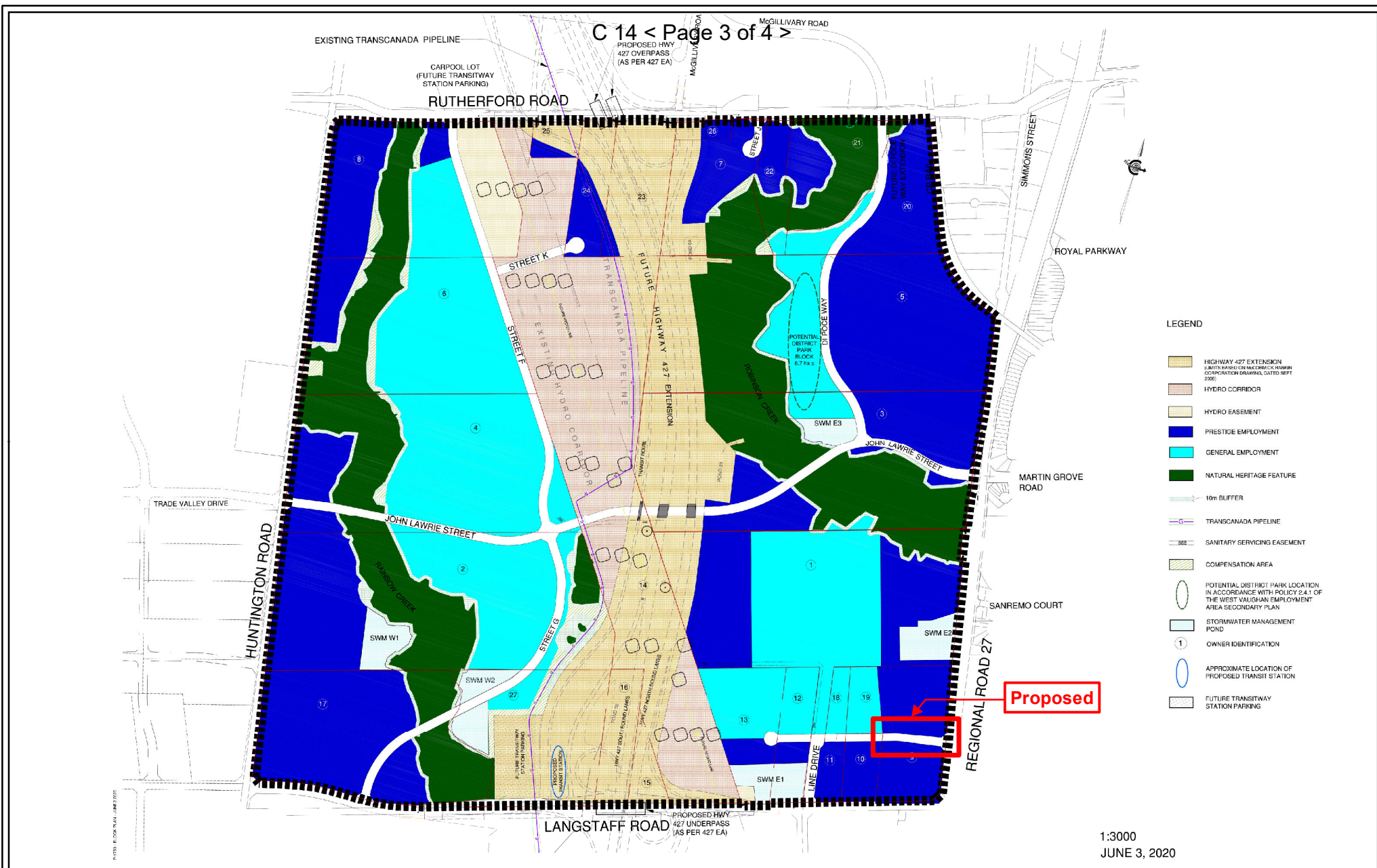
Respectfully submitted by,

A handwritten signature in black ink, appearing to read "Nick Spensieri", is written over a horizontal line.

Nick Spensieri
Deputy City Manager, Infrastructure Development
Acting Deputy City Manager, Planning and Growth Management

Copy to: Todd Coles, City Clerk
 Mary Reali, Acting City Manager

Attachments: Attachment 3 – Block 59 Land Use Plan
 Attachment 4 – Block 59 Land Use Distribution Table



Block 59 Land Use Plan

LOCATION:
Lots 11 - 15, Concession 9

APPLICANT:
Block 59 Landowners Group Inc.



Attachment

FILE:
BL.59.2014

DATE:
June 15, 2020

3

ATTACHMENT 4

TABLE 1 - BLOCK 59 Land Use Distribution and Land Owner Participation

UPDATED: JUNE 3, 2020

OWNER	PARCEL #	PRESTIGE EMPLOYMENT AREA (ha)	GENERAL EMPLOYMENT AREA *	NATURAL HERITAGE FEATURE **	NATURAL HERITAGE BUFFER	COMPENSATION AREA	S.W.M.	HYDRO CORRIDOR* **	HYDRO CORRIDOR EASEMENT* ***	HIGHWAY 427 EXTENSION *****	PRIMARY STREET	LOCAL STREET	PRIMARY ROAD IN ENV AREA	PRIMARY ROAD IN HWY 427 CORRIDOR	PRIMARY ROAD IN HYDRO EASEMENT	PRIMARY STREET IN HYDRO CORRIDOR	LANGSTAFF OVERPASS WIDENING	HUNTINGTON ROAD WIDENING	TOTAL Ha.
PARTICIPATING																			
HIGHWAY 27 LANGSTAFF GP LIMITED	1	12.33	16.29	1.61	0.41		1.92			2.28									34.84
ONE-FOOT DEVELOPMENTS INC.	2	10.33	12.25	8.91	2.81	0.71	1.75			1.25	1.83							0.12	39.96
TWO-SEVEN JOINT VENTURE LIMITED	3	10.86	1.62	13.70	1.32		1.16		0.06	9.07	2.23		0.52	0.45					40.99
ANATOLIA CAPITAL CORP - HUNTINGTON	4	4.18	18.27	6.57	1.00	0.11					2.28		0.44					0.12	32.97
DIPOCE MANAGEMENT LIMITED	5	17.69	5.37	9.09	0.54					5.79	1.11								39.59
TOROMONT INDUSTRIES LTD.	6	2.57	14.22	5.04	0.90	0.89					1.11							0.12	24.85
JOHN SIMONE & RAY DI DONATO	7	3.65		2.59	0.34	0.21				2.92	0.43								10.14
ANATOLIA INVESTMENT CORP.	8	7.25	4.67	3.30	0.90	0.36			4.85		0.99				0.12			0.12	22.56
ANATOLIA CAPITAL CORP - LANGSTAFF	17	16.11		5.28	0.59		0.04				0.70		0.36					0.03	23.11
SUBTOTAL PARTICIPATING		84.97	72.69	56.09	8.81	2.28	4.87	0.00	4.91	21.31	10.68	0.00	1.32	0.45	0.12	0.00	0.00	0.51	269.01
NON PARTICIPATING																			
HUNTER-FIFTY INVESTMENTS LIMITED	9	7.42										0.48							7.90
LINE DRIVE EAST INVESTMENTS LIMITED	10	1.86										0.25							2.11
LINE DRIVE EAST INVESTMENTS LIMITED	11	1.35	0.82								0.61	0.14							2.92
ZIVKO RISTICH	12	0.62	1.99				1.14					0.23							3.98
L. DI CARLANTONIO, S.DI CARLANTINO, et al.	13	1.08	4.48				0.99		0.20	0.03		0.14							6.92
HYDRO-ONE NETWORKS INC.	14							35.77		12.27				0.13		0.96			49.13
HMTQ - MTO	15									1.80									1.80
HMTQ - MTO	16									3.96									3.96
CITY OF VAUGHAN	18		1.06																1.06
CITY OF VAUGHAN	19		1.10								0.08								1.18
DI POCE MANAGEMENT LIMITED	20	6.89	1.23	0.22	0.40						0.74		0.15						9.63
DI POCE MANAGEMENT LIMITED	21	1.89		5.39	0.57								0.32						8.17
VITANOVA SHELTER CORPORATION	22	1.58	0.27	1.09	0.30														3.24
HMTG - MTO	23	0.4								6.77									7.17
2236391 ONTARIO LIMITED	24	2.13								1.87	0.22								4.22
HMTQ - MTO	25	0.45								1.1									1.55
V. CASSANO, L. CASSANO, N. PARADISO	26	0.52								0.39									0.91
HMTQ - MTO	27		1.05	0.2	0.33	0.8	2.12			10.15	0.63						0.63		15.91
SUBTOTAL NON PARTICIPATING		26.19	12.00	6.90	1.60	0.80	4.25	35.77	0.20	38.34	2.28	1.24	0.47	0.13	0.00	0.96	0.63	0.00	131.76
TOTAL PARTICIPATING + NON PARTICIPATING		111.16	84.69	62.99	10.41	3.08	9.12	35.77	5.11	59.65	12.96	1.24	1.79	0.58	0.12	0.96	0.63	0.51	400.8

* This area includes the area of the potential District Park

** This area does not include primary roads traversing through Natural Hertage Feature nor Natural Heritage Buffer.

*** This area does not include primary roads traversing within the corridor; said primary roads counted separately.

**** This area does not include primary roads traversing within the easement; said primary roads counted separately.

***** This area does not include primary roads traversing within the extension; said primary roads counted separately. This area does include the transit route and transit station.

From: John McGovern <John.McGovern@ricegroup.ca>
Sent: Tuesday, June 16, 2020 9:49 AM
To: Carella, Tony <Tony.Carella@vaughan.ca>
Cc: Cardile, Lucy <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
Senior Vice President, Policy & Planning

t: 905.888.1277 x 228
m: 416.717.1987
e: john.mcgovern@ricegroup.ca

75 Tiverton Court
Markham, Ontario L3R 4M8



ricegroup.ca

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:

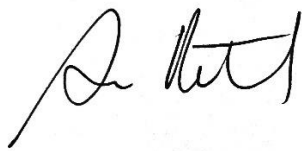
“This Conditional approval is part of a series of steps that are required for the ultimate development of Block 59. For the planning to continue, staff may determine it appropriate to report back to Council as a Communication related to this report *or as part of the technical report for draft plans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