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Communication
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Item: 31

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December 1, 2014

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Our File No. 08/2531

VIA EMAIL

City Council/Committee of the Whole
City of Vaughan
c/o City Clerk
2141 Major Mackenzie Drive
Vaughan ON L6A 1T1

Dear Mayor and Members of Council:

Re: Zoning By-law Amendment File Z.13.003 Riotrin Properties (Langstaff) Inc. (OMB Case & File #PL141079 [Item #31 – December 2, 2014 COW Agenda]

Ward 2 – Regional Road 27 and Langstaff Road

We are the lawyers for the applicants, Riotrin Properties (Langstaff) Inc., RioCan PS Inc. and SRF Vaughan Property Inc. (collectively referred to as "Riotrin").

The development application before the Committee is for a zoning by-law amendment to enable completion of a commercial development adjacent to the existing RioCan Walmart Centre on the west side of Highway 27, north of Milani Boulevard. Riotrin's development proposal includes a "retail warehouse with food sales", as well as an "automotive retail store", together with additional retail and service commercial uses.

We write to urge the Committee to move the staff recommendation and approve the zoning by-law amendment in accordance with the staff report. We also specifically ask that the Committee move a direction to legal and planning staff to support the proposed zoning by-law amendment at the Ontario Municipal Board. A prehearing conference before the Board is scheduled for January 21, 2015.

The subject lands have been zoned for retail warehouse uses for some time. It was during the Vaughan 2010 municipal comprehensive review that commercial permissions for a full range of retail and retail warehouse uses for the site were established.

As the Vaughan 2010 municipal comprehensive review was ongoing, our client was engaged with the City in processing the development application. The proposed zoning by-law amendment implements the land use policies that were confirmed by Council in the Vaughan

2010 municipal comprehensive review, and are now approved by the Ontario Municipal Board. Our client is entitled to implement the approved and in-force land use policies by way of the proposed zoning by-law amendment without further delay.

Our client has met all of the City's technical requirements for the processing and approval of the development application. The application proceeded through the planning process without issue. In fact, during the public consultation and public hearing process which occurred in the spring of 2014, there was no objection or concern expressed from the public. The statutory public meeting was held on February 25, 2014.

On September 2, 2014, the day that the adoption report went to Committee for final approval, Seven/427 Developments Inc. ("Smartcentres"), a competitive shopping centre developer requested a delay in the approval of the application. In our respectful submission, this 11th hour request has no merit, and is sought only for the purposes of delay and interference with a competitive development. If Smartcentres had any legitimate concern with the application, then those concerns should have been raised in the spring of 2014 during the public consultation process. The timing of the interjection by a sophisticated party such as Smartcentres is inappropriate after the years of planning that have occurred for the subject lands.

In its correspondence to the Committee dated September 2, 2014 Smartcentres states that it "only recently" became aware of the development application. We fail to see the relevance of this statement. Smartcentres fully participated in the Vaughan 2010 municipal comprehensive review, which was the planning process in which the new retail permissions for the Riotrin site were established. At no time during the municipal comprehensive review did Smartcentres indicate any interest in the Official Plan policies being pursued by Riotrin for the site.

The letter from Smartcentres dated September 2, 2014, seeks to delay this matter without raising any genuine, legitimate or authentic issues with the proposed zoning implementation measures. The letter only suggests that the proposal has somehow not been technically justified. This is not accurate. Our client met all technical requirements, including planning justifications and a traffic study.

The matter now before Committee is a zoning by-law amendment to implement in-force land use policies. It is only the technical zoning implementation regulations that are relevant at this stage in the planning process, and not the fundamental land use planning permissions which Smartcentres now appears to take issue with.

It has now been three months since the matter was deferred at the request of Smartcentres. Despite this delay, Smartcentres has not yet identified any specific planning issue with the proposed zoning by-law amendment. The delay requested by Smartcentres does not respect the integrity of the planning process that has occurred to date, including through the Vaughan 2010 municipal comprehensive review.

We therefore urge the Committee to approve the staff recommendations and direct legal and planning staff to attend at the OMB in support of the proposed zoning by-law amendment.

Yours truly,

FOGLER, RUBINOFF LLP

"Joel D. Farber"

Joel D. Farber

JDF

cc: clients (via email)
Daniel Woolfson, City of Vaughan Planning Staff
Oz Kemal, MHBC Planning

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