



June 12, 2019

The Mayor and City Council  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

C <u>6</u>		
Communication		
COUNCIL:	<u>June 12/19</u>	
<u>CW</u>	Rpt. No. <u>20</u>	Item <u>5</u>

Your Worship and Members of Council,

**Re: 4433, 4455 & 4477 Major Mackenzie Drive  
Valley Major Developments Limited  
Official Plan Amendment File OP.17.005  
Zoning By-law Amendment File Z.17.013**

Donnelly Law ("we" or the "Firm") represents Mr. Richard Rodaro ("Client"), residing at [REDACTED] Woodend Place, Vaughan, Ontario, in respect of the above-noted matters.

The purpose of this letter is to reiterate that the re-submission recommended by the Committee of the Whole ("COW") and under consideration by Council is unacceptable to our Client, and that COW's consideration of our submissions has failed the public interest.

This letter supplements the correspondence from our office dated June 3, 2019, our presentation of June 4, 2019, the September 19, 2017 letter to the COW that also objected to the development and a follow-up letter to Council dated September 26, 2017. We will not repeat all of the outstanding issues and reasons set out in our previous correspondence but request Council to give them serious consideration before reaching a decision on this matter.

By approving the recommendation of the COW, Council risks failing it's acknowledged "fiduciary responsibility to represent the people" by not having responded to, or effectively represented the affected residents' outstanding objections following the Public Hearing. Council's approval would not be consistent with nor respect the terms of the Vaughan Accord executed by the current members of Council on December 4, 2018, including:

- To behave at all times consistent with the City's core value of accountability;
- To provide transparent governance; and
- To provide through effective communication meaningful and inclusive citizen engagement.

### **COW Meeting June 4, 2019**

At the June 4<sup>th</sup>, 2019 COW meeting, Councillor DeFrancesca stated on the record and argued about the neighbourhood's support of the Countrywide development within the same subdivision as the proposed Subject Lands. The Councillor did not attend that LAPT hearing, at which an unprecedented six ratepayers' groups formally participated, and gave statements under oath, in support of Mr. Rodaro and the Vaughan Official Plan policies on preserving established neighbourhoods. We attach for your review Participant Statements from that hearing so you may satisfy yourselves in this regard.

These statements and the testimony of residents all rely on the Official Plan Section 9.1.2 Urban Design and Built Form policies and what Vaughan's website says about new residential infill development:

Policies 9.2.3.1 and 9.2.3.2 articulate the development criteria for those three building types, reinforcing and reiterating that **new development on lands designated Low-Rise Residential will be required to "respect and reinforce the scale, massing, setback and orientation" of other units of the same type in the immediate area.** Townhouses generally are required to front onto a public street, and rows of townhouses shall not exceed six attached units.<sup>1</sup>  
[emphasis added]

These policies apply to the Subject Lands.

If Council approves this development, it will be selectively abandoning these policies rather than ensuring they will apply consistently and comprehensively for all residents for whom they were intended in established neighbourhoods in the Community Areas.

These policies were approved subject to public engagement and scrutiny; they are intended and represented as requirements for new development, in order to ensure the continued viability, stability, integrity and character of neighbourhoods, which homeowners invest in when moving to Vaughan.

---

<sup>1</sup> [https://www.vaughan.ca/projects/policy\\_planning\\_projects/General%20Documents/Low%20Rise%20Residential%20Design%20Guidelines%20for%20Infill%20Development.pdf](https://www.vaughan.ca/projects/policy_planning_projects/General%20Documents/Low%20Rise%20Residential%20Design%20Guidelines%20for%20Infill%20Development.pdf)



Exempting development proposals on a piecemeal basis destabilizes and fractures established neighbourhoods; it erodes the long term sustainability and diversity of property and housing selection within the City by pandering to immediate market trends; it prioritizes opportunistic development and inconsistently manages growth over residents' rights and their reasonable expectations for consistent policy application and for transparent and accountable governance.

At that same COW meeting, Councillor DeFrancesca went on to state that she personally went door-to-door in the cold to local residents' homes to ensure the entire community was included in an effort to address concerns, but neglected to mention that for that meeting, among others, she did not notify either Mr. Rodaro's family or his registered ratepayers' association.

In fact, Mr. Rodaro was not advised about three of the five community meetings held in response to public objections to the Country Wide applications. With regard to the original Valley Major applications presented at a Public Hearing, Mr. Rodaro had to resort to documenting in writing Councillor DeFrancesca's failure to return his calls or emails to discuss his concerns before Council's scheduled vote on the recommendations from Public Hearing, which included an unusual and concerning recommendation concerning VOP 2010 Site Specific Policy 13.15. That correspondence dated September 26, 2017 was copied to the Mayor and Members of Council at the time. Councillor DeFrancesca later admitted that although she had read Mr. Rodaro's submissions at Public Hearing that she did not understand them. Mr. Rodaro offered to meet to explain them further. It did not happen.

Accordingly, we respectfully request that the Mayor and Councillors each fully and independently review the matters in our letter dated June 3, 2019 to the COW before satisfying themselves whether or not to approve these revised applications.

We respectfully highlight the following:

After the Public Hearing on September 19, 2017, Councillor DeFrancesca arranged a follow-up meeting regarding objections to the proposed redevelopment. City staff were not included at that meeting. At that meeting, Councillor DeFrancesca admitted she did not understand the substance of our Client's concerns and tabled those and the traffic issues (including the U-Turn requirement for the majority of traffic entering the proposed site and the resulting further traffic congestion implications) for her to look into for further discussions towards a resolution through future meetings with residents, the developer and, if necessary, City staff.

To our Client's knowledge, no further discussions, reports or meetings occurred. In addition, the substance of the discussions of that meeting appears absent from the Staff Report, such that it is not clear in what context – if at all – they were relayed to City Staff by the Councillor. This conduct is contrary to the meaningful and inclusive citizen engagement through effective communication, which residents have been assured they can expect from the City of Vaughan.

The Staff Report being recommended by the COW in addressing a number of residents' comments provided at the Public Hearing has in instances mischaracterized the issues or failed to address them substantially. We refer you to our June 3<sup>rd</sup> letter for these details and specifically the comments including:

- appropriateness of the proposed development;
- proposed density of the development;
- traffic impact and congestion;
- impact on the abutting Natural Heritage Network;
- VOP 2010, Volume II - Site Specific Policy 13.15; and
- the Community Area Policy Review for Low Rise Residential Designations.

These deficiencies of the staff report compromise the comprehensiveness of the review and the reliability of the COW recommendation to Council and undermine the City's meaningful accountability to the public and transparency in Council's decision-making process.

### **First Nations Notice**

It bears repeating that at the Public Meeting held September 2017, our Client formally requested that the City of Vaughan immediately send notice of these applications to potentially affected First Nations. Council to the proponent is simply wrong to state that conforming to the *Planning Act* regulation ends the City's duty to First Nations. As we presented to the COW, the Canadian Constitution in s. 35 expanded the rights of First Nations creating a concept of First Nations rights that is far greater than matters affecting interests on or nearby Reserves. First Nations are entitled to be on the same footing and receive the same rights of natural justice as school boards and telecommunications companies.

In addition, the City of Vaughan pledged to acknowledge Truth and Reconciliation with First Nations at the June 5, 2017 meeting of Council:

Since the release of the Truth and Reconciliation Commission report in 2015, many public institutions across Canada have made commitments to reconciliation based on a mutually respectful relationship with Aboriginal peoples. In the spirit of reconciliation, many municipal

governments across Canada have adopted territorial acknowledgments to precede Council meetings and other gatherings.<sup>2</sup>

What steps since 2015 the City of Vaughan has undertaken to act upon this pledge is unclear, but to dismiss our Client's request and not contact the Huron-Wendat Nation - with known, nearby historical settlements - or any other First Nation – with a potential interest appears contradictory to the City's pledge, rendering it a mere platitude. It may not be incumbent upon the City of Vaughan alone to undertake the appropriate amendments to the *Planning Act* or to require the applicant to fulfill requirements to right the attendant and long outstanding wrongs, but the City is capable of locally enabling - in a meaningful and respectful way – a simple notification towards the greater reconciliation of the tragic divide which has emerged as a national crisis. It appears the City is instead unwilling, even when the issue is brought to its attention by one of its current citizens on behalf of those who have resided here long before him.

### **VOP 2010 Site Specific Policy 13.15**

As stated in previous correspondence, the City has acknowledged that this site specific policy was approved in response to community concerns for ensuring comprehensive planning for the area, which includes VOP 2010 policies 9.1.2.2 and 9.1.2.3, which these applications seek exemption from. Neither staff nor Council has refuted or satisfied our client's concerns about the inherent implications for the integrity of the resulting planning review, in principle or in practice.

The professional review of a development proposal, whose own application and justification reports are deemed to satisfy a study intended to determine the framework for reviewing the said proposal – or any development proposal - on the Subject Lands clouds transparency; circumvents accountability; and in this case precludes the meaningful and inclusive public engagement that a city initiated study could and likely would have enabled – all in violation of the Vaughan Accord. It also precludes the comprehensive study and review deemed necessary.

Policy 9.1.2.3 provides that the preparation of any future, City-initiated, area specific or comprehensive zoning by-laws for these lands be guided by the specific Urban Design and Built Form elements ultimately determining land use density and required within policy 9.1.2.3. These provisions would not have permitted approval of this or a similar proposed development, but were arguably avoided by the maneuver of substituting the proponent's application and reports for the intended study, raising still

---

<sup>2</sup> [http://www.vaughan.ca/council/minutes\\_agendas/Extracts/21cw0523\\_17ex\\_10.pdf](http://www.vaughan.ca/council/minutes_agendas/Extracts/21cw0523_17ex_10.pdf)



further serious concerns about the propriety of the City's conduct and the comprehensiveness of the City's review of this application.

**Community Area Policy review for Low Rise Residential Designations, OPA 15 and the recommendation to amend VOP 2010 Sections 9.1.2.2 and 9.1.2.3 to permit the proposed development.**

The 91-unit subdivision proposed at 48/u/ha, as designed, cannot meet the requirements of the Official Plan Urban Design and Built Form Policies 9.1.2.2 and 9.1.2.3. However, neither does it conform to the Community Area policies 2.2.3.2 and 2.2.3.3., but no amendment to these policies is being required of the application.

Policy 2.2.3.2 requires permitted new development to respect and reinforce the existing scale, height, massing, lot pattern, building type, character, form and planned function of the immediate local area. Policy 2.2.3.3 permits limited intensification in accordance with the policies of Chapter 9 and requires development to be sensitive to and compatible with the character, form and planned function of the surrounding context.

The Subject Lands are located within an existing development in the Community Areas. They are immediately surrounded on three corners along their north and west limits by rural features: Natural Lands and Countryside designations including Greenbelt, active farmland and estate residential; they contain and abut an A.N.S.I. Natural Heritage Network designation including protected woodlot and wetlands within an estate residential subdivision. The Capo DiMonte condominium building borders only six percent of the entire perimeter of the Subject Lands and is the only non-rural land use or zoning in the immediate and visual area. The surrounding area includes hundreds of acres of the East Humber River valley conservation.

As reflected in the COW comments, the City refuses to recognize this existing neighbourhood as a Stable Area identified in (i) the Official Plan, (ii) the Community Area Policy Review and (iii) OPA 15. Instead the recommendation to Council is to amend the Official Plan to exempt the Subject Lands from the very policies intended and publicly represented to apply to them - in order to approve development not permitted under the Official Plan and to the detriment of existing residents.

Council's approval of OPA 15 represented these Official Plan policies as conforming with both the *Provincial Policy Statement*, 2014 and the *Provincial Growth Plan for the Greater Golden Horseshoe*, 2017. If this is indeed true, then new development for the Subject Lands, which is also subject to these provincial policies, must also be required to conform to these Official Plan policies, without conflict from provisions of the provincial policy, and without exemption from Official Plan Policies 9.1.2.2 and 9.1.2.3.

This development does not. The alternative is that Council has approved policies it cannot and will not defend and upon which residents cannot rely as represented to them by City staff, its consultants and Council.

**LPAT File PL170805 Hearing and Decision, Country Wide Homes, 11, 31 and 51 Woodend Place, Decision dated December 20, 2018**

Notwithstanding the question posed by Councillor DeFrancesca to staff during the COW meeting, we reiterate that it is premature as well as prejudicial relying in whole or in part at this time upon the LPAT Decision of December 20, 2018 to justify the City's further approval of infill redevelopment in this subdivision and neighbourhood that does not conform with the Community Area and Urban Design and Built Form policies and requirements of the Official Plan. The Decision allowed the appeals, in part. While it directed the Applicant to modify and amend the proposal and submit revised instruments – which we believe has been done – the order continues be withheld and the Decision subject to our client's Request for Review.

**Natural Heritage Network**

Council has not sufficiently protected the Provincially Significant Wetland ("PSW") and Area of Natural and Scientific Interest ("ANSI").

Our Client is troubled by some Members of Council's seeming disregard for environmental experts when faced with potentially inconvenient information contrary to a staff report. The previous Council saw fit to deem Valley Major's environmental reports to satisfy the requirements of an intended City-initiated study pursuant to VOP 2010 Volume II Policy 13.15, towards establishing the appropriate development form of these lands, notwithstanding that those reports were commissioned by the applicant and undertaken in support of the applicant's development proposal and not for any public or broader scope.

Yet during last week's COW debate about the Copper Creek Golf Course development, Councillor L. Jackson dismissed the conclusions of Natural Resources Solutions Inc., a very reputable firm often retained by the Toronto Region Conservation Authority as a "butterfly company". What does this say to residents? Don't bother Council with expert opinions and peer reviews, the City always gets it right?

It should be noted that the City Staff and Council were wrong about the required minimum buffer for the Kleinburg Significant Woodland, according to the Local Planning Appeal Tribunal ("LPAT"), PL1707805. The evidence for that finding was lead by our Client's environmental expert, who dared to challenge the City's approval and

the TRCA's compromise. Furthermore the principle of allowing incursions into minimum buffer limits in exchange for additional buffer area elsewhere was not accepted by the Tribunal. In this application today, Council is being asked to approve incursions again, and the outright removal of a 2.32 ha MNRF designated Provincially Significant Wetland in exchange for disturbing yet another area of the Marigiold Creek corridor and creating a new wetland there.

City Staff and Council were also wrong about the minimum width of the necessary wildlife corridor required at the Grand Trunk Ravine, according to LPAT. How then can Councillors say being informed by outside expertise is a waste of time? This again contradicts meaningful and inclusive citizen engagement through effective communication. And how can the Staff Report ignore these precedents and still be deemed a reliable source – let alone the sole reliable source – for decision making by Council? We submit to you that it cannot and in this case should not.

### **Conclusion**

Quite simply, Council should not approve the development re-submissions recommended by COW.

Please do not hesitate to contact me at 416-572-0464, or by email to [david@donnellylaw.ca](mailto:david@donnellylaw.ca), cc'ing [alexandra@donnellylaw.ca](mailto:alexandra@donnellylaw.ca) should you have any concerns.

Yours truly,



David R. Donnelly

cc. Client  
Millwood Woodend Ratepayers' Association  
Greater Woodbridge Ratepayers' Association  
Vellore Woods Ratepayers' Association  
Mackenzie Ridge Ratepayers' Association  
Capo Di Monte Condominium Association





## OMB HEARING

Monday September 10, 2018

<b>Subject:</b>	<b>Proposed Plan of Subdivision</b>
<b>Property Address/Description:</b>	<b>11, 31, 51 Woodend Place/ Part of Lot 20, Concession 6</b>
<b>Municipality:</b>	<b>City of Vaughan</b>
<b>Municipal File No.:</b>	<b>19T-15V011</b>
<b>OMB Case No.:</b>	<b>PL170805</b>
<b>OMB File No.:</b>	<b>PL170805</b>
<b>OMB Case Name:</b>	<b>Rodaro v. Vaughan (City)</b>
<b>PROCEEDING</b>	

**Re: 11, 31, 51 Woodend Place, Vaughan ON (Country Wide Homes Woodend Place Inc.)**

My name is Elvira Caria and I represent the **Vellore Woods Ratepayers Association**, the Ratepayer Group directly adjacent to the east of the property in appeal today. Our Association was involved in initial negotiations and meetings with both City Staff and the Applicant.

Substantial, outstanding concerns remain unresolved which brings us here today. ***The Vellore Woods Ratepayers Association requested participant status as we are opposed to the application as it has been approved by the City*** and it is our strong opinion that it fails to meet fundamental principles as set out in various planning statutes, including but not limited to, policies under the Natural Heritage Network in the Vaughan Official Plan 2010, as well failure to abide by VOP 2010 planning policies and most recent their own "Community Area Policy Review for Low Rise Residential Designations" document.

We are here to support Mr Richard Rodaro, and argue that we are most importantly here to ensure that policies as set out in Vaughan's own Official Plan are to be adhered to in order to protect communities & residents within them. We argue in this particular case, those policies have been severely ignored, despite our continuous efforts as a ratepayers group who have participated and commented on behalf of the residents and the community from day one this application.

## VAUGHAN OFFICIAL PLAN –NATURAL HERITAGE NETWORK

The issue of environmentally sensitive features was consistently and continuously brought forth at our negotiation discussions, to both the Applicant and City Staff

present. We sited the concerns that this application, specifically the degree of intensification, would have on the environmentally sensitive features adjacent to this proposed development. Too much intensification so close to what is predominantly green belt surrounding it.

We had concern for both the Kleinburg Woods and Marigold Creek stream corridor which are designated as “Core Features” by Schedule 2 – ***Natural Heritage Network*** in the Vaughan Official Plan 2010 (“VOP 2010”)

We questioned and still question WHY Staff ignored their own policies specific to the proposed 6 meter buffer for the Woodland, where a minimum 10 meter buffer is required. Why would they ignore policies they created –to PROTECT the environmental sensitivity of the area?

My concern and what remains a question I have yet to hear a satisfactory answer for is WHY are we making EXCEPTIONS to the policies rather than ENFORCING the policies set out in the VOP 2010. The RULES are in place for a reason –SO ENFORCE THEM ....There is a reason why the policy states 10 meter buffer –and not 6 meter ....

## VAUGHAN OFFICIAL PLAN 2010 PLANNING POLICIES

The Vaughan Official Plan 2010 requires new residential development to respect and reinforce the established neighbourhood characteristics. More specifically, it states that it is the policy of Vaughan Council that:

- Community Areas with existing development are not intended to experience significant physical change [Section 2.2.3.2];
- New development is permitted that respects and reinforces the existing **scale**, height, massing, **lot pattern**, **building type**, character, form and planned function of the immediate local area [Section 2.2.3.2];
- **Limited** intensification may be permitted in Community Areas but must be sensitive to and compatible with the character, form and planned function of the surrounding context [Section 2.2.3.3];
- New development in Community Areas must be designed to respect and reinforce the physical character of the established neighbourhood within which it is located [Section 9.1.2.2]; and
- In order to maintain the character of older, established residential neighbourhoods characterized by large lots and by their substantial rear, front and side yards and their lot coverages that contribute to expansive amenity areas, that further specific policies shall apply to all developments in these areas based upon the current zoning. [Section 9.1.2.3]

It was pointed out on day one of this hearing that according to the Applicant, this application was in keeping with the existing community to the east of the development, completely ignoring the obvious that it is in fact the west of this

application where most of its natural heritage is located and that the built form and frontages of the homes WEST of this application are nowhere near being integrated into the development proposal. To ignore this is to be insulting to residents. Does this applicant think we don't SEE the Western portion of this community? Again, there are clear policies set out as mentioned above that speak directly to this application and the lack of adherence to many of the policies as stated above. And again, I have continuously stated on deputation that the City needs to decide: ARE YOU ENFORCING THE YOUR OFFICAL PLAN –OR AREN'T YOU?

Over my last 18 years—I have seen time and time again staff reports that **justify** their approvals because –well— the Official Plan ‘allows for this....’

But when the Official Plan doesn't allow for certain proposals – somehow there are ‘exceptions’ and residents are left dumb founded- and confised over the lack of consistency and ENFORCEMENT (Today we enforce the OP—tomorrow we don't)

## LOW RISE RESIDENTIAL DESIGNATIONS POLICY REVIEW

In addition to the VOP policies referenced above, it is important to note, and perhaps in my opinion, the most important of my objections, is one of low rise residential designation policy. In 2015 to 2017 the City of Vaughan undertook a “Community Area Policy Review for Low Rise Residential Designations”.

Part of this review included a “Proposed Schedule 1B for VOP 2010: Areas Subject to Policy 9.1.2.3 – Vaughan's Established Large-Lot Neighbourhoods”, of which The Woodend Place subdivision was identified ....

In spite of this, City of Vaughan Council approved the Country Wide application without apparent regard for the specific requirements of policy 9.1.2.3.

The same exact policy that **they** themselves researched, studied and ultimately **identified**...resulting in the now “Low Rise Residential Designations” policy.

I have been the Chair of the Vellore Woods Ratepayers Association for close to 18 years now and we have been lobbying Council and the City to create such a policy that would in fact protect existing communities and clearly set out not just guidelines for future developments (that could ultimately be challenged) but rather put into place POLICIES entrenched in the Official Plan 2010 in order to protect residents when challenged right here at the BOARD.

I spoke on deputation at the Committee of the Whole on April 4<sup>th</sup> 2017 specific to this item and I applauded City Staff and Council for their tremendous hard work on this review. It was clear that we appeared to be moving in the right



direction, and that things like setbacks, lot coverage, heights and any and all matters that speak to 'compatibility with neighbourhood character' had been clearly articulated in this report and a case for the importance of protecting this had been well made by Staff.

It was obvious that the issue of INTENT for COMPATABILITY was necessary –so that there was no 2<sup>nd</sup> guessing or leaving it up to interpretation...NO AMBIGUITY

Regardless of whether this specific application came before the Low Rise Review study or not, it is clear that the report identifies policies that are already in place –and really speaks to the importance of enforcement of those policies.

So, my question is HOW and WHY are we ignoring the fundamental principles of The Official Plan and all that it is intended to do?

Elvira Caria

■ Bunting Drive Woodbridge On

■

September 12, 2018

Re: LPAT Case No. PL170805

To whom it may concern:

Having reviewed the Planning Department's recommendation related to the subject case & with the Vaughan Official Plan (in its entirety) in context along with significant community involvement to refer to, the following represents a collective community response including a rebuttal to some of what is contained within Planning's recent submission (not exhaustive):

**Community Response to Planning's Recommendation**

- Communications Plan
  - "...circulated to all property owners within 150m of the subject lands..." NOT TRUE!
    - Residents on Woodend Place did not receive notification. When residents raised this concern during the February 17<sup>th</sup>, 2016 community meeting, city officials stated, in an open forum that those homes were "abandoned" which, was not accurate. Only after the community engaged these residents were they then included in subsequent communications
  - "Additional working sessions between City of Vaughan staff, the agent, and a smaller working group comprised of local residents and stakeholders were arranged through the Local Councilor's office on September 9, 2016, September 26, 2016, and December 21, 2016." INCOMPLETE DETAILS!
    - OMB was leveraged early in the discussion
    - City Staff did not correct inaccurate statements that were made during these sessions & instead residents had to quote policy to counter claims being made (e.g. development has to be economically viable, lands permit towns, etc...)
    - November 10<sup>th</sup> community meeting noticeably absent where Forestry Services acknowledged removal of tree from 31 Woodend **WAS NOT DOCUMENTED** (completely contradicts statements made later in the recommendation)
- A) The proposed development does not meet "any" of the goals or objectives of Vaughan Official Plan 2010 (VOP 2010) NOT TRUE!
  - At no point has the community suggested the proposal does not meet "any" of the VOP objective. In fact, there are very specific references to what the community believes are not being met including (not exhaustive):
    - Chapter 1
      - 1.5
        - Goal 1 (...This Official Plan seeks to maintain the stability of existing residential communities....)
        - Goal 8 (...Intensification Areas have been limited to 3% of the overall land base to protect existing Community Areas and Natural Areas.)
    - Chapter 2
      - 2.2.3.2 That Community Areas are considered Stable Areas and therefore Community Areas with existing development are not intended to experience significant physical change.
    - Chapter 3
      - 3.2.3 Natural features such as wetlands, woodlands and the extensive valley and stream corridors are identified as Core Features to be protected and enhanced.

- Chapter 9
  - 9.1.1.8. "...protecting and enhancing the Core Features..."
  - 9.1.2.2 That in **Community Areas with established development, new development be designed to respect and reinforce the existing physical character and uses of the surrounding area**
  - 9.1.2.3 Within the Community Areas there are a number of older, **established residential neighbourhoods that are characterized by large lots and/or by their historical, architectural or landscape value.**...In order to maintain the character of these areas the following policies shall apply to all developments within these areas (e.g., land severances, zoning by-law amendments and minor variances), **based on the current zoning, and guide the preparation of any future City-initiated area specific or comprehensive zoning by-laws affecting these areas.** (refer to point a thru g)
  - 9.2.3.1b In Community Areas with **existing development**, the scale, massing, setback and orientation of Detached Houses and Semi-Detached Houses will **respect and reinforce** the scale, massing, setback and orientation of other built and approved Detached Houses and/or Semi-Detached Houses in the immediate area.
- Chapter 10
  - 10.1.2.37. "...without encroachment on the Natural Heritage Network."
- Planning's assertion that the proposal is "compatible but not identical to the surrounding residential community is simply NOT ACCURATE. The design, size, shape, etc... being proposed is NO WHERE to be found within the immediate community & requires Planning to refer to an area well out of context to attempt to justify this statement. The document also refers to the Royal Pine condo for some reason which, again is out of context & not relevant (that development is a travesty unto itself!)
- B) The proposed development will erode the surrounding estate residential community
  - While the recommendation references the benefits the Low Rise Residential policy updates, to be clear this study simply reinforces the fact that this proposal remains non-compliant. There are significant examples within the existing VOP to support a decline of this recommendation in its current form (refer to above)
- C) The proposed development does not respect the character of the surrounding community
  - Planning references the revisions of the proposal however, what is glaringly obvious is the initial submission was so far out of context (& still is), the subsequent changes revisions, while welcomed; continue to be well out of context. It would be akin to the community suggesting only 1 home be built to replace 3, later relenting to suggest 3 estate homes.
  - Again, Planning references that the proposal is "compatible but not identical" to the surrounding lots. This is simply NOT ACCURATE & requires Planning to refer to an area well out of context to attempt to justify this statement
- D) The proposed built form will have a negative impact on the existing community
  - "...along the south side of Major Mackenzie Drive between Weston Road and Pine Valley Drive..." ARE RESIDENTS REALLY SUPPOSED TO BELIEVE THIS TO BE REASONABLE!!! By this logic, any development in any part of Vaughan can simply point to similar design because it exists somewhere in Vaughan. THIS IS A VERY DISAPPOINTING ATTEMPT TO JUSTIFY WHAT IS CLEARLY UNREASONABLE!!!
- E) The proposed style is not consistent with the character of the existing community
  - Refer to A

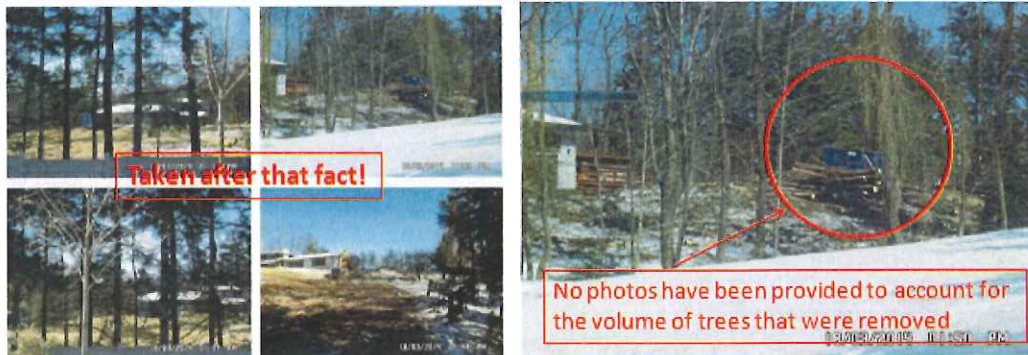


- F) The proposed extension of Via Borghese will increase traffic and decrease safety for the existing community
  - While the traffic study is acknowledged, there have be countless examples of Planning relenting to accommodate developers (e.g. The Mack, one entrance, 200 units) yet no consideration being given to what is important to the community!
  - Seeing as Block 42 on plan 65M-4149 is held by the City of Vaughan, & condition to remove the Holding Symbol "(H)" is dependent on the City approving development for the lands to the west, there is opportunity for meaningful discussion to arrive at a mutually agreeable solution
  - It is also worth noting that the community also met with Minister of Transportation, Steven Del Duca who clarified that while transportation development is occurring to support the area, it is by no means an excuse for development to contradict the VOP.
- H) Tree removals occurred at 31 Woodend Place and no compensation was provided
  - "...Transportation Services, Parks and Forestry Operations Department reviewed the submitted pictures and granted approval for the removal of hazardous trees..." This is a VERY DISTURBING STATEMENT considering Forestry Services (i.e. Zoran Postic & Joerg Hettman) acknowledged during the November 10<sup>th</sup> community meeting, also attended by our Councillor, that they DID NOT leverage ANY PHOTOS to grant approval nor did the city have an inventory of the trees that were removed which, was required per the January 2014 Ice Storm policies. Further, it was acknowledged that the photos that were on record were taken after the removal had been completed.

**My private tree is hazardous and needs to be removed. Do I require a permit?**

No. Due to the volume of trees which have been damaged on private property, a permit is not required to remove or make safe a hazard tree at this time. However, we ask that property owners call in at a later date so that staff may record the address, size and number of trees being removed. Information can be forwarded to: [parks@vaughan.ca](mailto:parks@vaughan.ca) or 905-832-8577 press 0.

**NO PHOTOS WERE PROVIDED nor was an inventory recorded as required by 2014 "Winter Storm" City of Vaughan policy**



- i) The remaining mature trees on the subject lands should be maintained
  - During a December 21<sup>st</sup> community meeting, the city finally acknowledged the level of devastation the questionable tree removal had caused. Our Councillor said they had no idea this many trees were removed (246) which, is unfortunate seeing as many residents pleaded for help while the removal was occurring
  - The City's efforts to assess the volume of trees removed is acknowledge however, to suggest that by simply planting these trees throughout Vaughan somehow restores the environmental benefits that were taken, is simply NO ACCEPTABLE!
  - The above points are further emphasized by the fact that the proposal recommends the remaining 565 trees be removed further eroding the environmental benefits that once existed!

- J) The applicability of Schedule 2 - "Natural Heritage Network" of Vaughan Official Plan 2010, Volume 1
  - By granting the proposed OPA, the City would be contributing to the erosion of the NHA as well as resolving the appeal that is currently pending with the Province. Until such time as a viable environmental replacement strategy has been agreed to by the City, the Community & the Applicant, the NHN designation should remain in place

In addition, the community reviewed the Applicant's Planning Justification Addendum (submitted as an addendum to the Planning Justification and Urban Design Report (dated March 2016), and noted a number of concerning statements. Here are some noteworthy excerpts (not exhaustive):

- **Pg. 3** "This resubmission addresses all comments and concerns as desired by City staff and local residents" **(FALSE)**
- **Pg. 6** "The Resubmission conforms with Section 9.1.2.2 as it respects and reinforces the existing physical character and uses of the surrounding area by utilizing a consistent lot, street and block pattern, configuration of lots and setback standards; and proposing similar building types and architectural style to the existing low-rise residential development in the surrounding area...."  
**(FALSE; does NOT meet above policy; neglects 9.1.2.3 which, is more applicable; 2.2.3.2. ...not intended to experience significant physical change. Noticeably absent???)**
- **Pg. 6** "Furthermore, it should be noted that townhomes are a building type that is expressly permitted in the *Low-Rise Residential* designation as stated in Section 9.2.2.1c. We are therefore of the opinion the Resubmission is consistent with the Urban Design and Built Form policies of the VOP 2010."  
**(FALSE; the stated policy is pursuant to policies in subsection 9.2.3 of which the proposal in its current form CANNOT meet e.g. 9.2.3.1.b; also 2.2.3.2. ...not intended to experience significant physical change. Noticeably absent???)**
- **Pg. 12** The Resubmission propose an appropriate density which provides a transition from the approved apartment building at the intersection of Major MacKenzie Drive West and Pine Valley Drive to the adjacent single family dwellings.  
**(IRRELEVANT; if the applicant is looking to the surrounding area to justify any part of the proposal, the homes on the west side of Woodend should be included along with all the surrounding estate homes which, are more representative of the immediate community)**
- **Pg.14** The Resubmission is consistent with City's vision as set out in the VOP 2010 and comply with relevant policies specifically pertaining to the City's urban structure, low-rise residential designation, urban design and built form and natural heritage network.  
**(FALSE for reasons already stated above)**

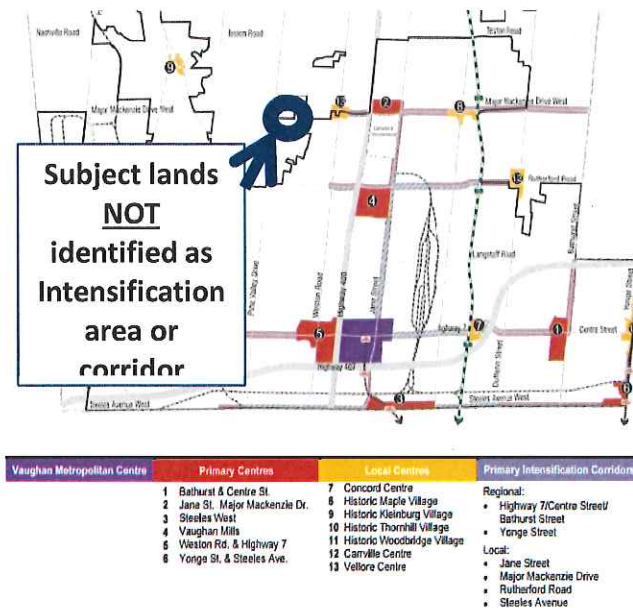
Other critical points of relevance:

- Subject lands & immediate area **NOT** classified as Intensification Area (refer to 1.1)
- Subject lands & immediate area **NOT** classified as Intensification Corridor (refer to 1.1)
- Subject lands & immediate area have already absorbed **ABOVE AVERAGE INTENSIFICATION** with a significant amount of volume still pending (refer to 1.2)
- Subject lands & immediate area identified & reaffirmed as large lot neighbourhood (refer to 1.3) & any proposed infill should **NOT significantly disrupt or change the character of the neighbourhood**
- Urban design & compatibility within current proposal does **NOT** respect or reinforce character of existing community
- The Low Rise Residential Study, if only to refer to it's findings/recommendations, reinforces the designation of the subject lands & immediate area & reaffirms the existing language contained within the VOP (i.e. any proposed infill should NOT significantly disrupt or change the character of the neighbourhood; refer to 1.3)
- There are many examples throughout Vaughan where planning has approved infrastructure that is **FAR LESS ACCESSIBLE** for the benefit of development (e.g. The Mack, 200+ units) yet, little consideration is being given to an entire community???

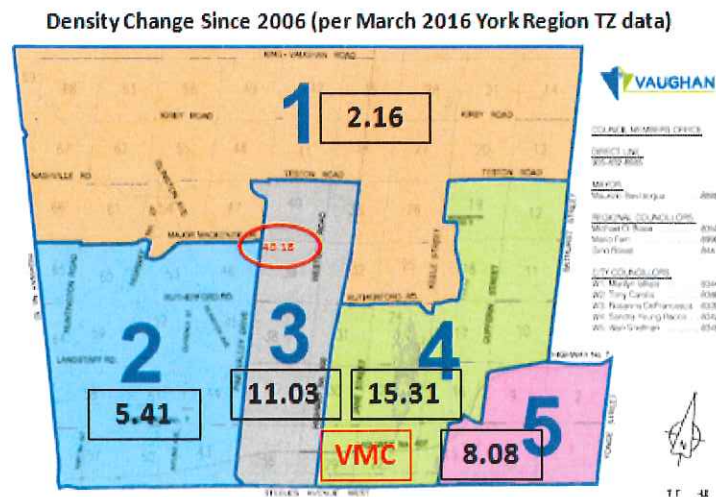
- After significant community pressure, the city finally relented & completed a **tree loss inventory** of the subject land that highlighted a many as **263 trees lost trees**, many of them directly from within designated NHN lands (refer to 1.4)
- A recommendation that would simply plant trees throughout Vaughan would **NOT** restore the environmental benefits that were taken by the questionable removal of an entire woodlot

Planning's recommendation to approve the proposal in its current form is not aligned with the spirit of the VOP as evidenced by the numerous amendments/exceptions being request. The community believes more discussion is warranted so we may arrive at a solution that addresses all stakeholder needs. As has been the case since we began this engagement, this is about supporting reasonable growth & development for our fair City.

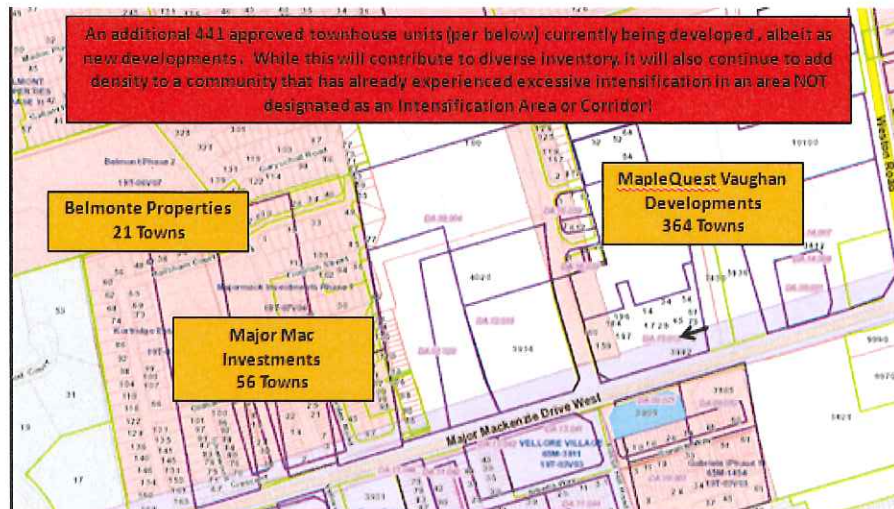
## 1.1



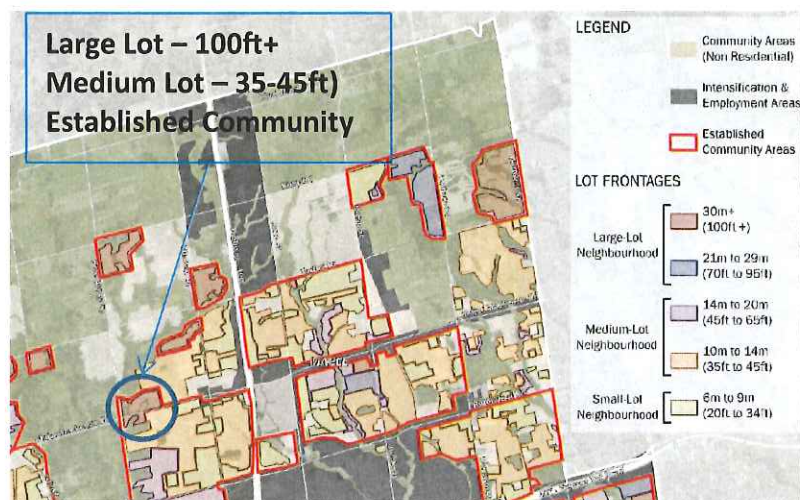
## 1.2





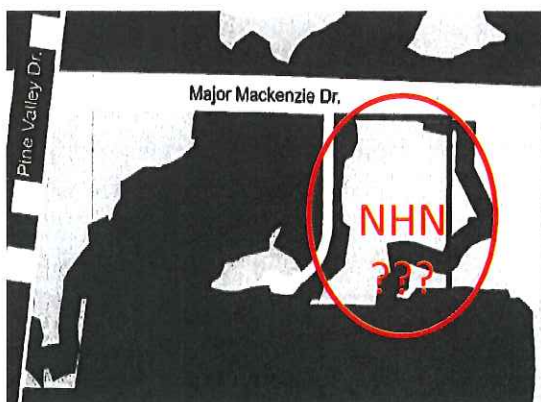


1.3



1.4

Provided by applicant's rep & not an accurate depiction of NHN schedules contained within the VOP



Provided by City of Vaughan Planning Department & presently a schedule contained within the VOP



Madam Chair, Counsel.

My name is Christopher Rutherford. I am a retired criminal lawyer who resides with my wife at [REDACTED] Pine Valley Drive, Capo Di Monte Condominium Corporation #1368 for York Region.

I am the President of the aforementioned condominium which is approximately 200 yards south of Major MacKenzie. Obviously, my constituents, almost 100% I would estimate, are strongly opposed to the Valley Major Development on the south-east corner of Major MacKenzie and Pine Valley Drive. Noise, desecration of a wooded area, traffic from some 90 plus units pouring out onto Pine Valley, which is very busy now, leave my constituents very concerned. But I digress. That will be a battle to come.

So, why am I here opposing the Countrywide Woodend Development? This is an example of the piecemeal intensification that is going on in this area, (three (3) at current account) which involves ripping out woods and greatly increasing traffic.

But the real reason I am opposing this, if I am really honest, is the domino effect that could occur. If Countrywide loses, the chances for Valley Major, I would think, decrease significantly. They are similar locations with similar arguments against.

Again, in all honesty, because I am late to this, I have not canvassed my constituents on the Woodend Development like I have the Valley Major Development which is right in their face. But I feel confident in asserting that the Capo Condominium would be much against the Woodend Development were they brought up to speed, like I have been.

In closing, looking at this as rationally as I can, it strikes me strange, that, given there must be numerous acres of land in Vaughan replete with nearby commercial and retail stock more conducive to development than these wooded, somewhat isolated lots, that have protected areas all around them. I simply ask, why here?

Respectfully submitted,

Christopher H. Rutherford  
President, YRCC #1368