

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, April 1, 2025

WARD(S): 2

TITLE: GEMINI URBAN DESIGN (W) CORP.
OFFICIAL PLAN AMENDMENT FILE OP.24.010
ZONING BY-LAW AMENDMENT FILE Z.24.023
140 SIMMONS STREET
VICINITY OF RUTHERFORD ROAD AND SIMMONS STREET

FROM:

Vince Musacchio, Interim Deputy City Manager, Planning, Growth Management and Housing Delivery

ACTION: FOR INFORMATION

Purpose

To receive comments from the public and the Committee of the Whole on applications to amend the official plan and zoning by-law for the Subject Lands shown on Attachment 1, to permit a back-to-back townhouse block development containing 12 residential units with a proposed height of three (3) storeys, a total Gross Floor Area ('GFA') of 1,918.05 m², and an underground parking garage with 15 parking spaces, as shown on Attachments 2 to 4.

Report Highlights

- The Owner proposes a 3-storey back-to-back townhouse block development containing 12 residential units, a total GFA of 1,918.05 m², and an underground parking garage with 15 parking spaces.
- This report identifies preliminary issues to be considered in a technical report to be prepared by the Development and Parks Planning Department at a future Committee of the Whole meeting.

Recommendations

1. THAT the Public Meeting report for Official Plan and Zoning By-law Amendment Files OP.24.010 and Z.24.023 (Gemini Urban Design (W) Corp.) BE RECEIVED,

and that any issues identified be addressed by the Development and Parks Planning Department in a comprehensive report to the Committee of the Whole.

Background

Location: 140 Simmons Street (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: September 8, 2023

Date Application was Deemed Complete: January 21, 2025

Official Plan and Zoning By-Law Amendment Applications have been submitted to permit the proposed development.

The Owner has submitted the following applications (the 'Applications') for the Subject Lands to permit a back-to-back townhouse block development containing 12 residential units, with a proposed height of three (3) storeys, a total GFA of 1,918.05 m², and an underground parking garage with 15 parking spaces (the 'Development'), as shown on Attachments 2 to 4:

1. Official Plan Amendment File OP.24.010 to amend Vaughan Official Plan 2010 ('VOP 2010') and Site-Specific Policy 13.45 – 6061 and 6079 Rutherford Road, 134 and 140 Simmons Street (OPA 38), to:
 - a) Redesignate a portion of the Subject lands from:
 - i) "Natural Areas and Countryside" to "Community Areas" on Schedule 1 – Urban Structure
 - ii) "Natural Areas" to "Low Rise Residential" on Schedule 13 – Land Use, as shown on Attachment 5.
 - b) To remove a portion of the "Core Features" and "Unapproved" designation from Schedule 2 – Natural Heritage Network from the Subject Lands.
 - c) Permit 12 back-to-back townhouses in the "Low-Rise Residential Designation", and
 - d) Permit a reduction to the required minimum vegetation protection zone ('VPZ') from 10 m to 1.64 m.
2. Official Plan Amendment File OP.24.010 to amend York Region Official Plan 2022 ('YROP 2022'), to:
 - a) Remove a portion of the Subject Lands from:
 - i) The "Regional Greenlands System" designation on Map 1 – Regional Structure
 - ii) The "Woodlands" designation on Map 5 – Woodlands
 - b) Redesignate a portion of the Subject Lands from "Regional Greenlands System" to "Urban Area" on Map 2 – Regional Greenlands System

3. Zoning By-law Amendment File Z.24.023 to rezone the Subject Lands from RE(EN) Estate Residential Zone with the Established Neighbourhood “-EN” suffix, as shown on Attachment 1, to RM1 – Multiple Residential Zone and EP – Environmental Protection Zone with site-specific zoning exceptions identified in Table 1 of this Report.

Vaughan Council previously approved Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Site Development applications for the Subject Lands.

The Subject Lands were originally considered as part of Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Site Development Files OP.17.011, Z.17.031, 19T-17V006, and DA.18.070 (the ‘Original Applications’), which also included the lands located at 6061 and 6079 Rutherford Road and 134 Simmons Street. The Original Applications were approved by Vaughan Council on March 19, 2019, to permit the development of 111 townhouse units served by private common element roads through the enactment of OPA 38 (By-law 042-2019) and Zoning By-law Amendment (By-law 041-2019).

The Subject Lands, which was occupied by a single-detached dwelling at the time, were identified as “Additional Lands Owned by The Applicant” as part of the Original Applications and maintained the “Natural Areas” designation in Vaughan Official Plan 2010, and the RR-Rural Residential Zone in By-Law 1-88, and were not contemplated for development. Within this review, the Toronto and Region Conservation Authority (‘TRCA’) undertook two (2) site visits to stake the physical top-of-bank at 134 and 140 Simmons Street on August 11, 2017, and November 28, 2017, respectively. Due to the sloping of the two (2) lots, TRCA had requested that a geotechnical investigation be conducted to confirm the slope stability to ensure appropriate setbacks from the greatest extent of the feature/hazard were established in order to permit the proposed townhouse development on the balance of the lands outside of these two (2) lots.

York Region, on May 29, 2018, exempted Official Plan Amendment Files OP.16.007 and OP.17.011 from approval by the Regional Committee of the Whole and Council.

Public Notice was provided in accordance with the Planning Act and Council’s Notification Protocol.

- a) Date the Notice of Public Meeting was circulated: March 07, 2025.

The Notice of Public Meeting was also posted on the City’s website at www.vaughan.ca and a Notice Sign was installed along Simmons Street in accordance with the City’s Notice Signs Procedures and Protocols.

- b) Circulation Area: To all property owners within 150 m of the Subject Lands and to the West Woodbridge Homeowners’ Association and to anyone on file with the Office of the City Clerk having requested notice.

- c) No comments have been received as of February 27, 2025, by the Development and Parks Planning Department.

Any additional written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication and be reviewed and addressed by the Development and Parks Planning Department in a future technical report to the Committee of the Whole.

Previous Reports/Authority

The following are links to previous reports regarding the Subject Lands:

Gemini Urban Design (W) Corp., Committee of the Whole (Files OP.16.007/OP.17.011, Z.16.019 / Z.17.031, 19T-16V004 / 19T-17V011):

[January 29, 2019, Committee of the Whole \(Item 1, Report 4\)](#)

Pine Valley Kleinburg Homes Ltd., Committee of the Whole (File DA.18.070):

[April 20, 2021, Committee of the Whole \(Item 4, Report 14\)](#)

Analysis and Options

Amendments to VOP 2010 and YROP 2022 are required to permit the Development.

Official Plan Designation – VOP 2010:

- “Natural Areas and Countryside” and inside the “Urban Boundary” on Schedule 1 – Urban Structure of VOP 2010
- “Natural Areas” on Schedule 13 – Land Use of VOP 2010
- Abuts a “Local Road” (Simmons Street) on Schedule 9 – Future Transportation Network of VOP 2010
- 111 townhouse units are permitted on the lands identified on Map 13.45.A in Site Specific Policy 13.45 – 6061 and 6079 Rutherford Road, 134 and 140 Simmons Street (OPA 38)
- An amendment to VOP 2010 is required to:
 - redesignate a portion of the Subject Lands from “Natural Areas and Countryside” to “Community Areas” on Schedule 1 – Urban Structure
 - redesignate a portion of the Subject Lands from “Natural Areas” to “Low Rise Residential” on Schedule 13 – Land Use, as shown on Attachment 5
 - permit 12 back-to-back townhouses in the “Low-Rise Residential” designation, and
 - reduce the minimum required VPZ width from 10 m to 1.64 m.

Official Plan Designation – YROP 2022:

- “Urban Area” and “Regional Greenlands System” on Map 1 – Regional Structure of YROP 2022, “Community Area” on Map 1 A – Land Use Designations, “Regional

Greenlands System” on Map 2 – Regional Greenlands System, partially designated “Woodlands” on Map 5 – Woodlands of YROP 2022

- An amendment to YROP 2022 is required to remove a portion of the Subject Lands from the “Regional Greenlands System” designation within Map 1 – Regional Structure of YROP 2022; redesignate a portion of the Subject Lands from “Regional Greenlands System” to “Urban Area” within Map 2 – Regional Greenlands System of YROP 2022; and, to remove a portion of the Subject Lands from the “Woodlands” designation on Map 5 – Woodlands of YROP 2022.

Council enacted Zoning By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law.

As the Applications were received by the City on July 30, 2024, and deemed complete on December 20, 2024, the Applications are subject to Zoning By-law 001-2021.

Amendments to Zoning By-law 001-2021 are required to permit the Development.
Zoning:

- RE(EN) - Estate Residential Zone with the Established Neighbourhood “-EN” suffix under Zoning By-law 001-2021
- This Zone does not permit the Development
- The Owner proposes to rezone the Subject Lands to RM1 – Multiple Residential Zone and EP – Environmental Protection Zone together with the site-specific zoning exceptions identified in Table 1 to permit the Development, as shown in Attachments 2 to 4.

Table 1:

	Zoning By-law 001-2021 Standard	RM1 Residential Zone Requirement	Proposed Exceptions to the RM1 Residential Zone Requirement
a.	Minimum Setbacks	7.5 m (interior side yard)	2.97 m (interior side yard to north lot line)
b.	Maximum Building Height	11.0 m	3 storeys (15.5 m)
c.	Minimum Landscape Strip	3.0 m (abutting a street line) 3.0 m (abutting an interior side lot line)	0 m (for any interior side lot line or lot line abutting a street line)
d.	Waste Enclosure Height	3.0 m	3.05 m

Additional zoning exceptions may be identified through the detailed review of the

e.	Waste Storage Enclosure Setback	30.0 m (abutting a residential zone)	27.41 m (West Lot Line) 7.65 m (South Lot Line)
f.	Retaining Walls	A retaining wall greater than 1.0 m in height shall be set back an equal distance to the height of the highest portion of the retaining wall	Retaining wall with a height of over 1.0 m may be set back 0.5 m from the front lot line
g.	Minimum Common Outdoor Amenity Area	Where an amenity area is required in accordance with this section, a minimum of 90% shall be provided as a common space.	Minimum amenity area shall be 25 m ² per dwelling unit and that the amenity area may include a rooftop patio and not provided as a common space.
h.	Residential Accessory Structure with a height greater than 2.8 m	2.4 m (seatback to a lot line)	1.64 m (seatback to a lot line)
i.	Maximum Encroachment for Access Stairs	0.3 m (Interior side yard)	5.77 m

Applications and will be considered in a technical report to a future Committee of the Whole meeting.

Following a preliminary review of the applications, the Development and Parks Planning Department has identified the following matters to be reviewed in greater detail:

	MATTERS TO BE REVIEWED	COMMENTS
a.	Conformity and Consistency with Provincial Policies and City Official Plan Policies	The Applications will be reviewed for consistency and conformity to the Provincial Planning Statement, 2024 ('PPS 2024') and the policies of VOP 2010 Volume 1 and Volume 2, Site Specific Policy 13.45 – 6061 and 6079 Rutherford Road, 134 and 140 Simmons Street (OPA 38), and other deemed City Official Plan policies.

	MATTERS TO BE REVIEWED	COMMENTS
b.	Appropriateness of Amendments to VOP 2010, YROP 2022 and Zoning By-law	▪ The appropriateness of the amendments to VOP 2010 and YROP 2022 will be reviewed in consideration of the proposed land use designation, building height, density, community area and compatibility. ▪ The appropriateness of the rezoning and site-specific exceptions identified in Table 1 will be reviewed in consideration of the existing and planned surrounding land uses, location of the Development, and existing environmental conditions on the Subject Lands.
c.	Toronto and Region Conservation Authority (TRCA)	▪ The Subject Lands are entirely located within the TRCA Regulation Limit, being within the valley corridor associated with the Main Humber River. ▪ Therefore, the Applications will be reviewed by the TRCA in accordance with the <i>Conservation Authorities Act</i> ('CA Act') on matters related to the risk of natural hazards within its jurisdiction.
d.	Studies and Reports	▪ The Owner submitted studies and reports in support of the Applications available on the City's website at https://maps.vaughan.ca/planit/ (PLANit Viewer) and must be approved to the satisfaction of the City or respective approval authority. Additional studies and/or reports may be required as part of the application review process.
e.	Allocation and Servicing	▪ The availability of water and sanitary servicing capacity for the Development (12 units) must be identified and allocated by Vaughan Council, if the applications are approved. If servicing allocation is unavailable, the lands will be zoned with a Holding Symbol "(H)", which will be removed once servicing capacity is

	MATTERS TO BE REVIEWED	COMMENTS
		identified and allocated to the lands by Vaughan Council.
f.	Urban Design Guidelines	The Development will be reviewed in consideration of the City of Vaughan City-wide Urban Design Guidelines.
g.	Public Agency/Municipal Review	The Applications have been circulated to York Region and the Toronto and Region Conservation Authority and external public agencies and utilities, municipalities and the Public, Separate, and French School Boards.
h.	Parkland Dedication	The Applications will be reviewed in consideration of the requirements of the <i>Planning Act</i> and the City of Vaughan's Parkland Dedication Policy.
i.	Affordable Housing	The Applications will be reviewed in consideration of Provincial, Regional and City policies to ensure that the development provides an appropriate level, range and mix of unit sizes and types to meet the City's affordable housing goals.
j.	City's Tree Protection Protocol ('TPP')	- There are 55 trees on the Subject Lands, five (5) of which are required to be removed to accommodate the proposed development. - The Development will be reviewed in accordance with the City's Tree Protection Protocol, for the protection and the replacement of any tree(s) should they be damaged during construction, if the Applications are approved.
k.	Traffic Impacts, Road Widening and Access	The Traffic Brief will be reviewed in accordance with the City's Transportation Impact Study Guidelines to the satisfaction of the Development Engineering Department.

	MATTERS TO BE REVIEWED	COMMENTS
		▪ The proposed traffic generated by the development at the requested density will be reviewed in consideration of existing traffic conditions at Rutherford Road and Simmons Street. ▪ Matters including the driveway entrance, parking, ramps to the underground parking garage, truck manoeuvring, bicycle parking and Transportation Demand Management requirements are required to be reviewed to the satisfaction of the Development Engineering Department. ▪ The Subject Lands are located on Simmons Street, a local road under the jurisdiction of the City of Vaughan.
l.	The Applications have been Deemed Complete	▪ The Applications were deemed Complete on January 21, 2025.
m.	Required Applications	▪ The Owner is required to submit a Site Development Application to permit the Development.

Financial Impact

There are no financial requirements for new funding associated with this report.

Operational Impact

Development and Parks Planning staff have circulated the Applications to internal City Departments and external agencies for review.

Broader Regional Impacts/Considerations

The Applications were circulated to York Region to receive comments on matters of Regional interest.

York Region Council adopted the YROP 2022 in June 2022. YROP 2022 was approved, as modified, by the Minister of Municipal Affairs and Housing in November 2022, bringing it into full force and effect. Bill 150 (*Planning Statue Law Amendment Act, 2023*) and Bill 162 (*Get It Done Act, 2024*) later rescinded some of those modifications.

On June 6, 2024, Bill 185 (*Cutting Red Tape to Build More Homes Act, 2024*) (“Bill 185”) received Royal Assent which includes amendments to the *Planning Act*. In accordance with the amendments to the *Planning Act* implemented through Bill 185, York region became a Region without planning responsibilities effective July 1, 2024.

Pursuant to subsection 70.13(2) of the *Planning Act*, YROP 2022 is deemed to constitute an official plan of the City in respect of any area in the City to which it applies and will remain in effect until the City revokes or amends it.

The Applications are being circulated to York Region for the purpose of receiving comments on matters of Regional interest i.e., roads and servicing infrastructure. Further comments will be discussed in the future comprehensive report.

The Applications were circulated to the Toronto and Region Conservation Authority.

The Subject Lands are entirely located within the TRCA Regulation Limit, being within the valley corridor associated with the Main Humber River.

As such, the Applications are being circulated to the TRCA for review in accordance with the *Conservation Authorities Act* (‘CA Act’) on matters related to the risk of natural hazards within its jurisdiction, and a permit from the TRCA pursuant to Section 28 of the CA Act and Ontario Regulation 41/24 would be required for any development activity on the site.

The TRCA must ensure that decisions under the *Planning Act* are consistent with the natural hazard policies of the Provincial Planning Statement 2024 (PPS 2024) and conform to any natural hazard policies in a Provincial Plan.

TRCA is of the opinion that this proposal is not consistent with Section 5 of the PPS 2024 and TRCA’s Living City Policies, and TRCA would be unable to recommend approval of a future permit under Ontario Regulation 41/24. TRCA’s comments on the Applications in this regard are in Attachment 6.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Applications will be considered in the technical review of the Applications. Comments from the public and Vaughan Council expressed at the Public Meeting or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact Kevin Ayala Diaz, Planner, Development and Parks Planning Department, ext. 8882.

Attachments

1. Context and Location Map
2. Site Plan
3. Landscape Plan
4. Building Elevations
5. Existing and Proposed VOP 2010 Designation
6. TRCA Second Submission Comments for OP.24.010 and Z.24.023

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