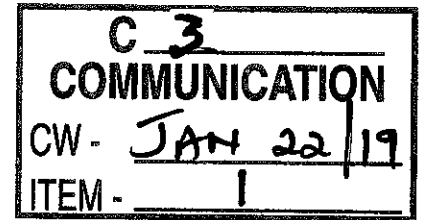


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January 22, 2019

The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
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Dear: The Honourable Mayor Maurizio Bevilacqua and Members of Council

**Re: Gemini Urban Design (W) Corp.
Official Plan Amendment, Zoning By-law Amendment and Draft Plan
of Subdivision Applications
City File Nos.: OP.16.007/OP.17.011, Z.16.019/Z.17.031 & 19T-
16V004/19T-17V011
6061 & 6079 Rutherford Road and 134 & 140 Simmons Street**

This letter has been prepared on behalf of our client, Di Benedetto Group Inc. (the "owner"), who is the registered owner of the lands municipally known as 10, 20 & 25 Di Benedetto Lane and 110 Simmons Street (together the "Di Benedetto Lands"), being the lands located immediately south of the lands owned by the Applicant Gemini Urban Design (W) Corp. ("Gemini").

Development applications were submitted for the Di Benedetto lands by Humphries Planning Group Inc. in September, 2018 (OP.18.019, Z.18.031, 19T-18V012 and 19CDM-18V004), seeking to facilitate the development of the Di Benedetto Lands for medium density residential uses, consistent with the Gemini proposal. We also understand that Gemini has submitted development applications for 88 Simmons Street (OP.18.020, Z.18.32 and 19T-18V013), being the parcel immediately to the south of the Di Benedetto lands, again seeking to permit medium density residential uses ("Gemini Phase 2").

Following our review of the staff report recommending approval of applications OP.16.007/OP.17.011, Z.16.019/Z.17.031 and 19T-16V004/19T-17V011 ("Gemini Phase 1"), we wish to note our concern with any approval being granted, until such

time as the following matters have been addressed: **Parkland Dedication, Multi-use Recreational Pathway Location and Design, Servicing and Access Easements and Sanitary Servicing Capacity**. Specific concerns relating to these matters are outlined below.

Parkland Dedication

With respect to the dedication of parkland for the subject applications, Planning staff notes in their comments (page 29) that Gemini shall provide cash-in-lieu of the dedication of parkland in accordance with the *Planning Act* and the City's Cash-in-lieu of Parkland Policy. Notwithstanding this, comments from the City's Parks Development Department ("Parks") (pages 29-30) state that Parks staff will review the lands to the immediate south of the Gemini lands to determine if a Park block located off of Simmons Street and central to the existing neighbourhood can be accommodated; suggesting that the construction of a public park is preferred.

Notwithstanding this, it is our opinion that a public park for the Simmons Street neighbourhood is not required. Between the Gemini Phase 1 and Di Benedetto developments, all units have generally been proposed with 7.5 m (24.6 ft) rear yards. This private amenity space in conjunction with the proposed district park (Block 59) and community area (Block 60 East), will provide a sufficient combination of public and private amenity space to serve the residents. Public sidewalks on Simmons Street and the requested multi-use recreational trail through the developments will facilitate safe and efficient pedestrian connectivity to the public parkland, at such time as it is developed.

If, however, a public park on Simmons Street is deemed necessary, we have significant concerns with the approach taken by staff with respect to how physical parkland may be acquired. Specifically, as noted above, staff have suggested that cash-in-lieu of parkland be provided for Gemini Phase 1, with the potential acquisition of parkland deferred to the Di Benedetto and Gemini Phase 2 developments. Given that both land owners (Gemini and Di Benedetto) have applications submitted, the potential location for a public park should be examined holistically, across the three development sites. This is of particular importance when considering that the Gemini Phase 1 development takes up over 50% of the land area covered by the three developments (3.44 ha of 5.98 ha) and represents more than 50% of the dwelling units proposed (111 of 216 units). As such, it is our opinion that should a park be deemed necessary, then a proportionate share of physical parkland should be provided by Gemini as part of their Phase 1 approval, rather than deferring the dedication of physical parkland as part of the Di Benedetto and Gemini Phase 2 approvals.

Further to the above, if a public park is deemed necessary, the achievable size and location of the park should be considered. If the City proceeds with taking cash-in-

lieu of parkland for Gemini Phase 1, it would leave approximately 2.54 ha (6.28 ac) of area between the Di Benedetto and Gemini Phase 2 developments. With the two developments proposing 105 units combined, at a rate of 1 ha per 300 units, it would generate **0.35 ha (0.86 ac) of parkland**, which would be considered appropriate as a Public Square, under the City's Active Together Master Plan. If, however the City were to pursue the dedication of parkland across the three developments, proposing 216 units combined, at a rate of 1 ha per 300 units, it would generate **0.72 ha (1.78 ac) of parkland**, which would be just under the threshold to be considered as a Neighbourhood Park (0.75 ha).

Multi-Use Recreational Pathway

Relating to the above discussion, we have similar concerns with the comments provided by Parks staff pertaining to the multi-use recreational pathway. It is stated on Page 28 that connection from the Gemini lands to Regional Road 27 via Rutherford Road through a multi-use recreational pathway will be required. Further comments state that Parks staff will consider opportunities for future connections to the future district park in Block 59 and/or the future community area in Block 60 East. While we have no objection to the principle of a such a pathway network, we have concern that neither the Draft Plan of Subdivision, nor the Site Plan submitted by Gemini show the pathway network across their lands. Much like the parkland matter discussed above, it is our opinion that the location and size of the pathway should be determined now and identified as a block on the Draft Plan of Subdivision, with more finite details (i.e. design, materials etc.) dealt with as part of the Development Approval process.

In order to protect for the provision of parkland and the multi-use recreational pathway, we would request that the Conditions of Draft approval be modified to include the following condition:

"Prior to final approval, Parks Development staff, the Owner and the adjacent land owners will review the subject lands and the lands to the south, to determine if a Park block located off of Simmons Street, and a multi-use recreational pathway providing connection to Rutherford Road can be accommodated. Should a Park and/or multi-use recreational pathway be deemed to be necessary, the Draft Plan of Subdivision shall be revised accordingly."

Easements

As part of the Conditions of Draft Approval issued by the City of Vaughan, and appended to the staff report, there does not appear to be any requirement for Gemini to provide easements for servicing and/or access to abutting land owners. In order to ensure that the abutting lands can be adequately serviced and in order to allow for the most efficient movement of vehicles and pedestrians we would request that the

Conditions of Draft Approval be modified to include the condition below, with the understanding that a similar condition would be required as part of the approval of the Di Benedetto applications:

"The owner shall agree in the subdivision agreement to provide easements for the purpose of servicing and access to adjoining land owners, free of cost and encumbrances, to the satisfaction to the City of Vaughan."

Sanitary Servicing Capacity

Lastly, as noted in the staff report, Gemini has undertaken an analysis of the downstream sewers to determine if there is sufficient capacity for the development. We would request that staff and/or Gemini provide clarification on this analysis to ensure that it takes into consideration the potential re-development of the Simmons Street area, and not just the Gemini Phase 1 development.

Based on the above discussion, we would request that Committee of the Whole defer approval of the Gemini Phase 1 to the Council meeting scheduled for January 29, 2019, to allow time for a meeting between City staff, Gemini and Di Benedetto to be scheduled to address the issues as set out herein.

Yours very truly,

**RITCHIE KETCHESON
HART & BIGGART LLP**



R. Andrew Biggart