



October 30, 2020

GSAI file: 959-003

City of Vaughan
Planning and Growth Management
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

COMMUNICATION – C35
Council – November 17, 2020
Committee of the Whole (Public Meeting)
Report No. 50, Item 1

Attention: Mr. Brandon Correia
Manager, Special Projects

RE: Comments on Third Draft – Comprehensive Zoning By-law Review
6061 & 6079 Rutherford Road and 134 & 140 Simmons Street
City of Vaughan

Glen Schnarr and Associates Inc. (GSAI) are the planning consultants for Pine Valley Kleinburg Homes Ltd. (c/o Gemini Urban Design (W) Corp.), the owner of the lands municipally known as 6061 & 6079 Rutherford Road and 134 & 140 Simmons Street (the 'subject lands'). The purpose of this letter is to comment on the Third Draft of the City's Comprehensive Zoning By-law Review (the 'Draft ZBL'), dated September 2020, as it relates to the subject lands. It is understood that a public hearing on the matter was held on October 29, 2020.

In the Draft ZBL, as shown on Schedule 120, the subject lands are proposed to be zoned as 'Estate Residential' with the 'Established Neighbourhood' suffix (RE(EN)). The proposed zoning for the subject lands does not recognize previous development approvals. These lands were subject to an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision (City File Nos. OP.16.006, Z.16.019 and 19T-16V004), which were approved by City Council on February 12, 2019. The applications were subsequently appealed by a neighbouring landowner to the Local Planning Appeal Tribunal (LPAT); however, the appeal was withdrawn on June 15, 2020 and notice from the LPAT on the approvals being final and binding was provided on June 16, 2020. These approvals were assigned (1) By-law No. 041-2019, being a by-law to amend the City of Vaughan By-law No. 1-88 and (2) By-law No. 042-2019, being a by-law to amend the City of Vaughan Official Plan. A Site Plan application (DA.18.070) has been submitted and is currently under review with City staff.

Further, it is recognized that the Draft ZBL contains transitional provisions in Section 1.6.3 as it relates to active Site Plan applications, as well as applicable LPAT orders. We formally request that the previous approvals outlined in By-law 041-2019 be incorporated into the final draft of the Comprehensive Zoning By-law prior to adoption.

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We also request that this correspondence be added to the public record and that we be notified of any further revisions, approvals and notices applicable to the Zoning By-law Review process. Should you have any questions or require additional information, please contact the undersigned at ext. 265 or at markc@gsai.ca.

Respectfully Submitted,
GLEN SCHNARR & ASSOCIATES INC.

Mark Condello
Planner

cc. K. Slater, Gemini Urban Design (W) Corp.
C. Messere, City of Vaughan
T. Coles, City Clerk, City of Vaughan
J. Levac, Glen Schnarr and Associates Inc.

Attachment(s):

By-law 041-2019

By-law 042-2019

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 041-2019

A By-law to amend City of Vaughan By-law 1-88.

WHEREAS the matters herein set out are in conformity with the Official Plan of the Vaughan Planning Area, which is approved and in force at this time;

AND WHEREAS there has been an amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are in in conformity;

NOW THEREFORE the Council of the Corporation of the City of Vaughan **ENACTS AS FOLLOWS:**

1. That City of Vaughan By-law Number 1-88 be and it is hereby further amended by:
 - a) Rezoning the lands shown as “Subject Lands” on Schedule “1” attached hereto from RR Rural Residential Zone to RT1(H) Residential Townhouse Zone with the addition of the Holding Symbol “(H)”, RR Rural Residential Zone and OS1 Open Space Conservation Zone, in the manner shown on Schedule “1”.
 - b) Adding the following Paragraph to Section 9.0 “EXCEPTIONS”:

“(1474) A. The following provisions shall apply to all lands zoned with the Holding Symbol “(H)” as shown on Schedule “E-1605”, until the Holding Symbol “(H)” is removed pursuant to Subsection 36(1) or (3) of the *Planning Act*:

 - i) Lands zoned with the Holding Symbol “(H)” shall be used only for a use legally existing as of the date of the enactment of By-law 041-2019, or the production of field crops. The removal of the Holding Symbol “(H)” is contingent upon the following:
 - a) the Owner obtaining and filing for a Ministry of the Environment, Conservation and Parks (“MECP”) Record of Site Condition (‘RSC’) following remediation and verification sampling to the satisfaction of the City of Vaughan.
 - b) The Owner successfully obtaining the approval of a Site Development Application and the required allocation of servicing capacity from Vaughan Council.
 - c) The Subject Lands are located in an area, adjacent to Regional roads (Rutherford Road and Regional Road 27), that are tributary to the future sanitary trunk sewer scheduled to be installed by York Region in 2028. The Holding Symbol “(H)” is to only be lifted under one of the following two scenarios:

- i) The sanitary trunk sewer on Regional Road 27 is constructed by York Region and the Owner has secured the necessary lands and/or easements, free of all costs and encumbrances, to the City that are necessary to construct the sanitary sewer between Simmons Street and Regional 27; or,
- ii) The Owner has demonstrated that an alternate interim sanitary outlet to Royalpark Way as shown within the Functional Servicing Report can be achieved utilizing an adequate easement width and a comprehensive study including, but not limited to, flow monitoring, conveyance capacity analysis of downstream sewers, and available allocation, to the satisfaction of the City.

B. Notwithstanding the provisions of:

- a) Section 2.0 respecting Definitions;
- b) Sections 4.1.9, 4.22, 4.29 and Schedule “A3” respecting permitted uses and Residential Zone Requirements and Minimum Zone Standards in the RT1 Residential Townhouse Zone;
- c) Sections 4.1.2 and 4.1.4 (f) respecting Minimum Soft Landscaped Areas and Dimensions of Driveways;
- d) Section 3.21 respecting Frontage on a Public Street;
- e) Section 3.8 (g) respecting maximum Driveway Width;
- f) Section 3.14 (h) respecting the placement of air conditioner units;
- g) Sections 4.1.9, 4.2 and Schedule “A” respecting permitted uses and Residential Zone Requirements and Minimum Zone Standards in the RR Rural Residential Zone;

the following provisions shall apply to the lands shown as “Subject Lands” on Schedule “E-1605”:

- ai) for the purposes of this By-law, the following Definitions shall apply:

DWELLING, STREET TOWNHOUSE – means a townhouse dwelling in which each dwelling unit is situated on its own lot, or parcel of tied land (“POTL”), which abuts a public street or private common element condominium road;

LOT – means a parcel of land fronting on a public street or private common element condominium road;

STREET LINE – means the dividing line between a lot and a street or a private common element road or the dividing line between a lot and a reserve abutting a street or private common element

condominium road;

PARALLEL VISITOR PARKING SPACE – means a rectangular area measuring at least 2.0 m by 6.0 m;

bi) the following zone requirements shall apply to the RT1 Residential Townhouse Zone:

i) the minimum Lot Depth shall be 23 m/unit; 22 m for Unit 110, 20 m for Unit 43, and 19 m for Unit 111;

ii) the minimum Lot Area shall be:

160 m² - Units 67 & 109

150 m² - Units 2-5, 8, 9, 19-21, 24, 25, 33, 34, 50-53, 68, 69, 90-93, and 108

145 m² - Units 18, 28, 32, 37, 38, 41, 42, 45, 72-75 and 110

135 m² - Units 46, 47, 56-59, 62, 63, 78-81, 84-87, 96, 97, 100, 101, 104 and 105;

iii) the minimum Lot Frontage shall be 5.8 for units 12 and 15;

iv) the minimum Rear Yard setback shall be:

7.2 m for Block 1

7 m for Blocks 11 and 18

6.3 m for Blocks 10, 12, 13, 16, 17, 19, 20 and 21

5.8 m for Unit 110

5 m for Unit 111;

v) the minimum Exterior Side yard setback (private road) shall be:

1.25 m for Block 1

1.0 m to porch, 2.7 m to main wall for Block 4

1.1 m to Block 5

2.6 m for Block 7

1.1 m to porch, 2 m to main wall for Block 11

1.9 m to Block 13

3.6 m for Block 18

3.8 m for Block 21;

vi) the minimum Interior Side yard setback to a Greenway or buffer block shall be 1.5 m for Block 22;

vii) the minimum setback to a Sight Triangle for (private road) shall be:

1.2 m for Block 4

1.6 m for Block 5

2.6 m for Block 7

2.1 m for Block 11

2.6 m for Block 16

2.7 m for Block 22;

viii) the maximum Building Height shall be 11.5m;

ci) a minimum Front Yard Landscaped Area of 19 % shall be required of which a minimum thirty-five percent (35%) of the required minimum landscaped front yard shall be comprised of soft landscaping for Units 12, 13, 14 and 15;

di) a street townhouse dwelling situated on a freehold lot shall be

- permitted to front onto a private element condominium road;
 - ei) the maximum width of a driveway entrance shall be 9.32 m;
 - fi) air conditioner units shall be permitted above the garages in Blocks 1, 2 and 3;
 - gi) the minimum Lot Area for the lands zoned RR Rural Residential Zone shall be 3,700 m²;
 - c) Adding Schedule "E-1605" attached hereto as Schedule "1".
 - d) Deleting Key Map 9C and substituting therefor the Key Map 9C attached hereto as Schedule "2".
2. Schedule "1" and "2" shall be and hereby form part of this By-law.

Enacted by City of Vaughan Council this 19th day of March, 2019.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk



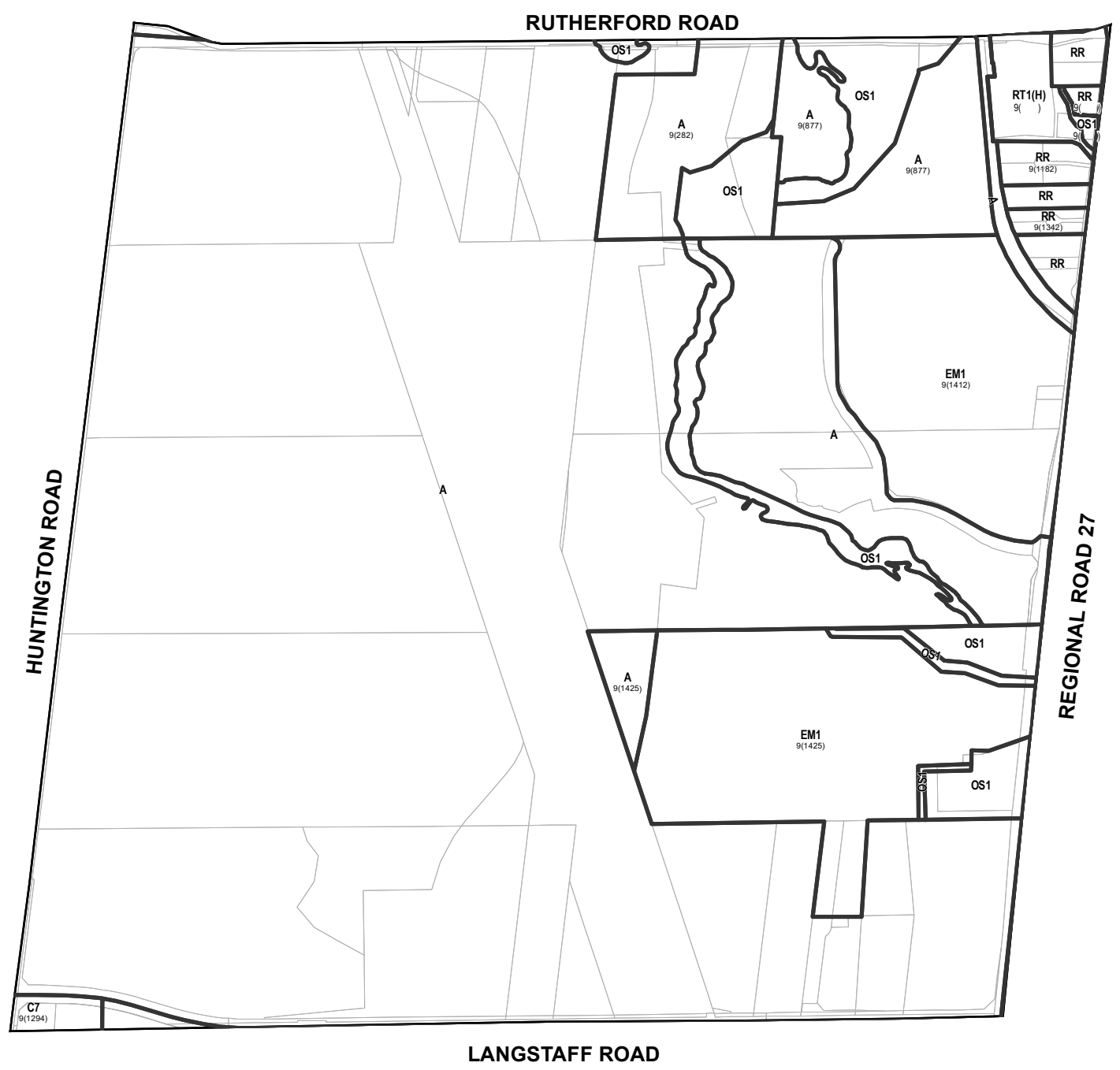
This is Schedule '1'
To By-Law 041-2019
Passed the 19th Day of March, 2019

File: Z.17.031
Related Files: OP.17.011, 19T-17V011
Location: Part of Lot 15, Concession 9
Applicant: Gemini Urban Design (W) Corp.
City of Vaughan

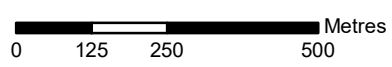
Signing Officers

Mayor

Clerk



Key Map 9C
By-Law No. 1-88



This is Schedule '2'
To By-Law 041-2019
Passed the 19th Day of March, 2019

File: Z.17.031
Related Files: OP.17.011, 19T-17V011
Location: Part of Lot 15, Concession 9
Applicant: Gemini Urban Design (W) Corp.
City of Vaughan

Signing Officers

Mayor

Clerk

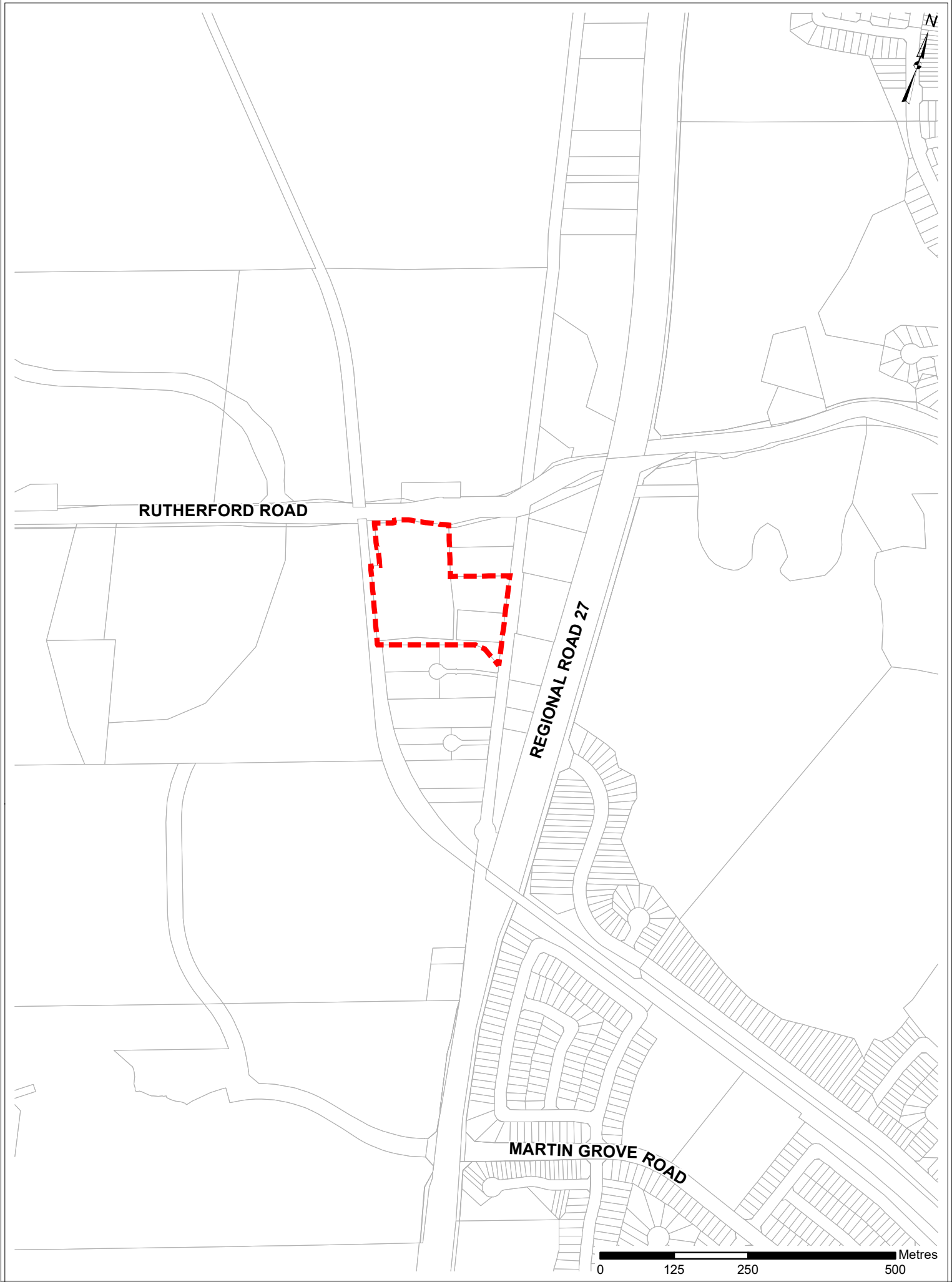
SUMMARY TO BY-LAW 041-2019

The lands subject to this By-law are located on the south side of Rutherford Road, west of Regional Road 27, and are municipally known as 6061 and 6079 Rutherford Road and 134 and 140 Simmons Street, being Part of the East Half of Lot 15, Concession 9, City of Vaughan.

The purpose of this zoning by-law amendment is to rezone the subject lands from RR Rural Residential Zone to the RT1 (H) Residential Townhouse Zone with the addition of the Holding Symbol “(H)” and RR Rural Residential Zone with site-specific zoning exceptions, and the OS1 Open Space Conservation Zone, to facilitate the development of 111, 3-storey townhouse dwelling units, within 22 blocks, on common element condominium roads.


The Holding Symbol “(H)” shall not be removed from the Subject Lands, or any portion (phase) thereof, until the following conditions are satisfied:

- d) the Owner obtaining and filing for a Ministry of the Environment, Conservation and Parks (“MECP”) Record of Site Condition (‘RSC’) following remediation and verification sampling to the satisfaction of the City of Vaughan.
- e) The Owner successfully obtaining the approval of a Site Development Application and the required allocation of servicing capacity from Vaughan Council.
- f) The Subject Lands are located in an area, adjacent to Regional roads (Rutherford Road and Regional Road 27), that are tributary to the future sanitary trunk sewer scheduled to be installed by York Region in 2028. The Holding Symbol “(H)” is to only be lifted under one of the following two scenarios:
 - iii) The sanitary trunk sewer on Regional Road 27 is constructed by York Region and the Owner has secured the necessary lands and/or easements, free of all costs and encumbrances, to the City that are necessary to construct the sanitary sewer between Simmons Street and Regional 27; or,
 - iv) The Owner has demonstrated that an alternate interim sanitary outlet to Royalpark Way as shown within the Functional Servicing Report can be achieved utilizing an adequate easement width and a comprehensive study including, but not limited to, flow monitoring, conveyance capacity analysis of downstream sewers, and available allocation, to the satisfaction of the City.



Location Map
To By-Law 041-2019

File: Z.17.031
Related Files: OP.17.011, 19T-17V011
Location: Part of Lot 15, Concession 9
Applicant: Gemini Urban Design (W) Corp.
City of Vaughan

 Subject Lands

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 042-2019

A By-law to adopt Amendment Number 38 to the Official Plan of the Vaughan Planning Area.

NOW THEREFORE the Council of the Corporation of the City of Vaughan ENACTS AS
FOLLOWS:

1. THAT the attached Amendment Number 38 to the Official Plan of the Vaughan Planning Area, consisting of the attached text and Schedule(s) “1” is hereby adopted.
2. AND THAT this By-law shall come into force and take effect the day after the last day for filing a notice of appeal.

Enacted by City of Vaughan Council this 19th day of March, 2019.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

AMENDMENT NUMBER 38
TO THE OFFICIAL PLAN
OF THE VAUGHAN PLANNING AREA

The following text and Schedule “1” constitutes Amendment Number 38 to the Official Plan of the Vaughan Planning Area.

Also attached hereto but not constituting part of the Amendment is Appendix “I” and “Appendix “II”

I PURPOSE

The purpose of this Amendment to Vaughan Official Plan 2010 ('VOP 2010') is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically Volume 1 and Volume 2, to permit the development of 111 townhouse units to be served by common element roads.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as "Subject Lands", are located on the south side of Rutherford Road, west of Regional Road 27, and are municipally known as 6061 and 6079 Rutherford Road and 134 and 140 Simmons Street, being Part of the East Half of Lot 15, Concession 9, City of Vaughan, shown on Schedule "1" attached hereto as "Lands Subject to Amendment No. 38".

III BASIS

The decision to amend VOP 2010 is based on the following considerations:

1. The Provincial Policy Statement 2014 ("PPS") provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides direction to support strong communities, a strong economy and a clean and healthy environment. The proposed development is consistent with the intent of the settlement areas and housing policies of the PPS, which promote the efficient use of land and support a healthy community.

The Subject Lands are located within a defined settlement area identified by the PPS. The Development achieves the intention of the Settlement Areas and Housing policies of the PPS by making efficient use of the Subject Lands, as it minimizes land consumption, proposes a housing typology that adds to the range and mix of housing types in the City.

2. The Provincial Growth Plan for the Greater Golden Horseshoe 2017 ("Growth Plan") is intended to: guide the development of land; encourage compact built form, transit supportive communities, diverse land uses, and a range and mix of housing types; and, direct growth to settlement areas that offer municipal water and wastewater systems. The Growth Plan states that a focus for transit and infrastructure investment to support future growth can be provided by concentrating new development in these areas and creating complete communities with diverse housing types.

The proposed development conforms with the policy framework of the Growth Plan as it makes a more efficient use of the Subject Lands and existing infrastructure and provides a housing type at

a density that is supportive of the Growth Plan objectives.

3. The York Region Official Plan 2010 ('YROP 2010') designates the Subject Lands as "Urban Area" by Map 1 - "Regional Structure", which permits a range of residential, commercial, industrial and institutional uses, subject to additional policy criteria. York Region advised that Official Plan Amendment File OP.17.011 is considered to be of local significance in accordance with York Region Official Plan 2010 policy 8.3.8, as the proposed Amendment does not adversely affect Regional planning policies or interests. The proposed development conforms to YROP 2010. On May 29, 2018, York Region exempted this Amendment from Regional approval, in accordance with Regional Official Plan Policy 8.3.8, as it does not adversely affect Regional planning policies or interests.
4. The Subject Lands are designated "Low-Rise Residential" by VOP 2010, which permits detached, semi-detached and townhouse units. The lands are also within a "Community Area" as identified in Schedule 1, "Urban Structure" of VOP 2010, and subject to Sections 9.1.2.2, 9.1.2.3 and 9.2.3.2 regarding compatibility criteria, urban design and built form. There is no associated density requirement prescribed by this designation. The compatibility criteria directs that new development should be designed to respect and reinforce the physical character of the established neighbourhood within which it is located.

In recognition of the increased development pressure stable residential neighbourhoods are facing, Council directed Staff to undertake a policy review of the Low-Rise Residential designation of VOP 2010 in October 2015. Following Council's direction, the Policy Planning and Environmental Sustainability Department initiated the Community Area Policy Review for Low-Rise Residential Designations, which has resulted in the Council adopted Urban Design Guidelines for Infill Development in Established Low-Rise Residential Neighbourhoods ('Guidelines') and the Community Area Policy Review for Low-Rise Residential Designations Study ('Study'). The Guidelines were approved by Vaughan Council on October 19, 2016. The Study was approved by Vaughan Council on April 19, 2017, and Official Plan Amendment Number 15, to implement the Study recommendations, was adopted by Council on September 27, 2018, which has been forwarded to York Region for approval.

The Guidelines identify the Subject Lands as being part of a "Large Lot Neighbourhood". The Applications were submitted on August 27, 2017 (Applications) and were deemed "Complete" on February 14, 2018. The commencement of the Applications pre-date the approval of OPA Number 15. However, the Development has regard for the following provisions of the Guidelines:

- The townhouse blocks contain a maximum of 6 units
- The minimum unit size is 6 m x 12 m (with the exception of 2 units)
- The common amenity areas are located in prominent locations that are visible and easily accessed from all units
- The majority of the front and interior yard setbacks are consistent with the Guideline requirements of 4.5 m and 1.5 m respectively
- A minimum 50% of each front yard consists of soft landscaping (with exception of 2 units)
- Each townhouse has a private backyard as set out in the Guidelines
- The total number of visitor parking spaces complies with Zoning By-law 1-88, although a variance for the width of certain parallel spaces within the private road is required.

In consideration of the above, the Development Planning Department is satisfied that the proposed development has regard for the “Community Area” policies of VOP 2010, and the Council approved Guidelines. The proposal provides a low-rise residential development that is appropriate, but not identical, with the surrounding development(s).

5. Vaughan Council considered the Applications at 2 Public Hearings. Additionally, a non-statutory community meeting was held.

A Statutory Public Hearing was held on April 4, 2018, to consider Application OP.17.011, Z.17.031 and 19T-17V011. Vaughan Council on April 11, 2018, ratified the recommendation of the Committee of the Whole to receive the Public Hearing report and to forward a comprehensive technical report to a future Committee of the Whole meeting

6. On January 29, 2019, Vaughan Council ratified the January 22, 2019 recommendation of the Vaughan Committee of the Whole to approve Official Plan Amendment Application File OP.17.011.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

Amendment No. 38 to the Official Plan of the Vaughan Planning Area, hereby amends VOP 2010 by:

1. Modifying Volume 1, Schedule 14-C “Areas Subject to Site Specific Plans” as #44 by adding the Subject Lands on Schedule 1 to this Amendment attached hereto 6061 and 6079 Rutherford Road and 134 and 140 Simmons Street.

2. Amending Volume 2, Section 13.1 “Areas Subject to Site Specific Policies” by adding the following policy to be renumbered in sequential order:

“(OPA #38) 13.1.1.44 The lands known as 6061 and 6079 Rutherford Road and 134 and 140 Simmons Street are identified on Schedule 14-C as Item 44 and are subject to the policies set out in Section 13.45 of this Plan.”

3. Amending Volume 2, Section 13 “Site Specific Policies”, by adding the location map attached on Schedule 1 and adding the following policies in sequential order:

| | | |
|------------|-----------|--|
| “(OPA #38) | 13.45 | 6061 and 6079 Rutherford Road, 134 and 140 Simmons Street |
| | 13.45.1 | General |
| | 13.45.1.1 | The following policies shall apply to the lands identified on Map 13.45.A. |
| | 13.45.1.2 | Notwithstanding Sections 9.1.2.2., 9.1.2.3 and 9.2.3.2 respecting new development within established “Community Areas”, 111 townhouse units are permitted on the Subject Lands identified on Map 13.45.A. Site-specific development standards shall be established in the implementing zoning by-law.” |

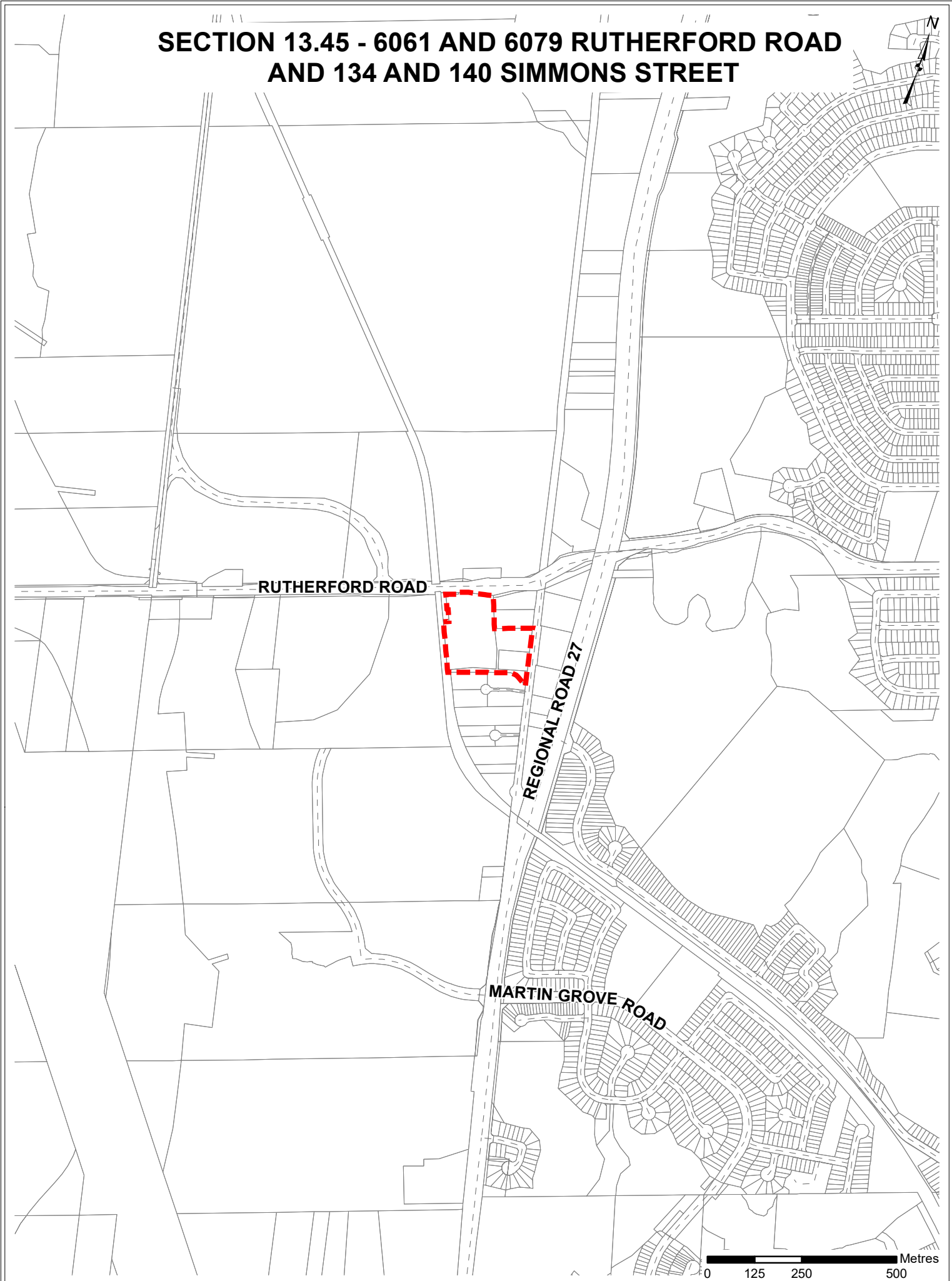
V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the Subject Lands will be implemented by way of an amendment to the City of Vaughan Comprehensive Zoning By-law 1-88, Draft Plan of Subdivision Approval and Site Development approvals, pursuant to the *Planning Act*, R.S.O. 1990, c. P.13.

VI INTERPRETATION

The provisions of the Official Plan of the Vaughan Planning Area as amended from time to time regarding the interpretation of that Plan shall apply with respect to this Amendment.

**SECTION 13.45 - 6061 AND 6079 RUTHERFORD ROAD
AND 134 AND 140 SIMMONS STREET**



**THIS IS SCHEDULE '1'
TO OFFICIAL PLAN AMENDMENT NO. 38
ADOPTED THE 19TH DAY OF MARCH, 2019**

FILE: OP.17.011
RELATED FILES: Z.17.031, 19T-17V011
LOCATION: Part of Lot 15, Concession 9
APPLICATION: Gemini Urban Design (W) Corp.
CITY OF VAUGHAN



**LANDS SUBJECT TO
AMENDMENT NO. 38**

APPENDIX I

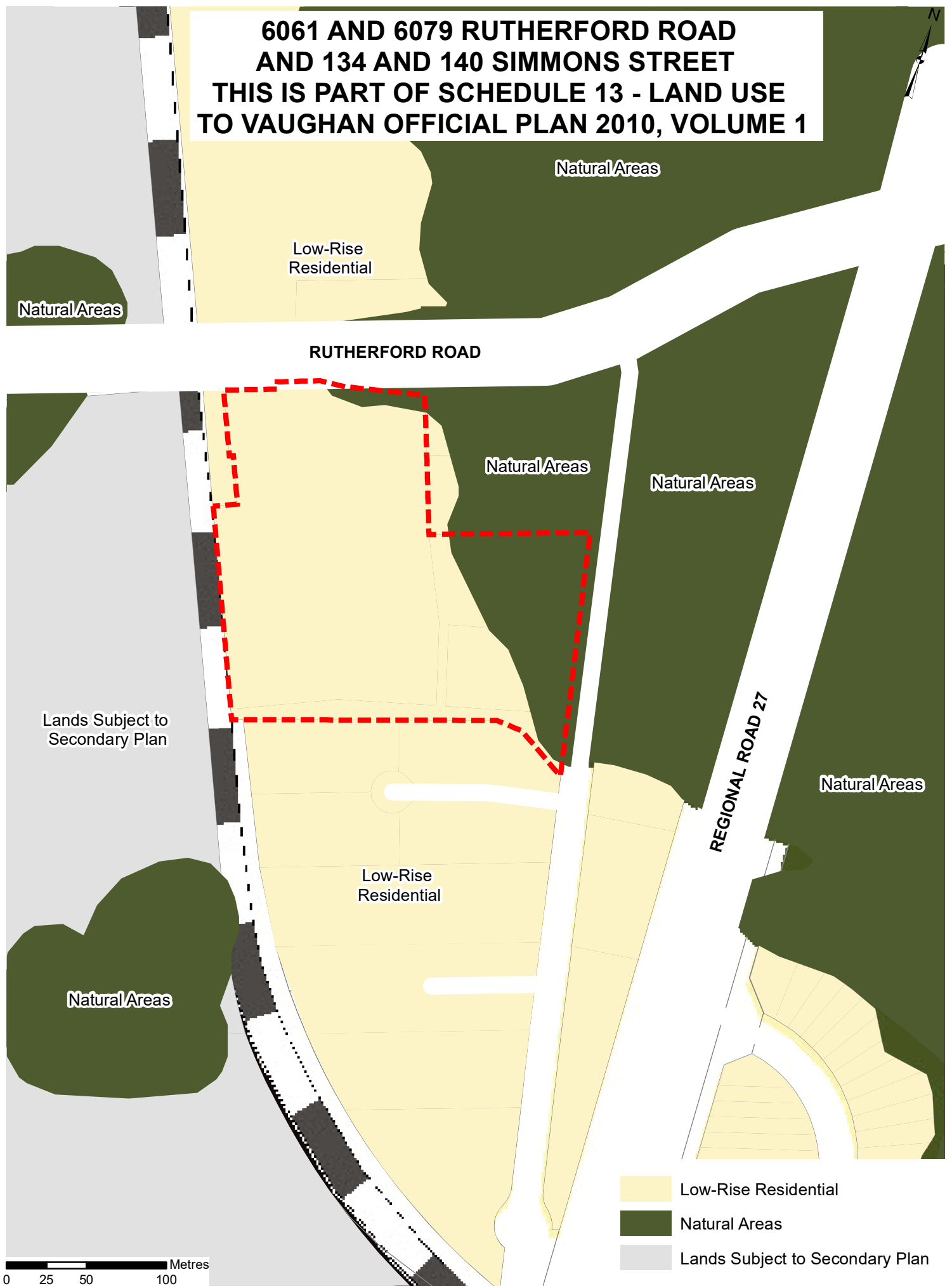
The lands subject to this By-law are located on the south side of Rutherford Road, west of Regional Road 27, and are municipally known as 6061 and 6079 Rutherford Road and 134 and 140 Simmons Street, being Part of the East Half of Lot 15, Concession 9, City of Vaughan.

The purpose of this Amendment is to amend the Vaughan Official Plan 2010 ("VOP 2010"), to permit the development of 111 townhouse units to be served by common element roads. Site-specific development standards shall be established in the implementing zoning by-law.

On January 29, 2019 Vaughan Council ratified the January 22, 2019 recommendation of the Committee of the Whole, to approve Official Plan Amendment File OP.17.011 (Gemini Urban Design (W) Corp.) as follows (in part):

- "1. THAT Official Plan Amendment File OP.17.011 (Gemini Urban Design (W) Corp.) BE APPROVED, to amend the following policies of Vaughan Official Plan 2010 ("VOP 2010") for the Subject Lands:
 - a) Sections 9.1.2.2, 9.1.2.3 and 9.2.3.2 respecting new development within established "Community Areas" to permit the development of 111 townhouse units."

**6061 AND 6079 RUTHERFORD ROAD
AND 134 AND 140 SIMMONS STREET
THIS IS PART OF SCHEDULE 13 - LAND USE
TO VAUGHAN OFFICIAL PLAN 2010, VOLUME 1**



**APPENDIX II
EXISTING LAND USES
OFFICIAL PLAN AMENDMENT NO. 38**


FILE: OP.17.011

RELATED FILES: Z.17.031, 19T-17V011

LOCATION: Part of Lot 15, Concession 9

APPLICANT: Gemini Urban Design (W) Corp.

CITY OF VAUGHAN

 **LANDS SUBJECT TO
AMENDMENT NO. 38**