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**Sent:** Sunday, May 09, 2021 9:11 PM  
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**Cc:** Rob Salerno [REDACTED]; Rose Savage [REDACTED]; Al Grossi [REDACTED]; Nadia Magarelli [REDACTED]; Victor Lacaria [REDACTED]; Westondownsra Info <info@westondownsra.ca>  
**Subject:** [External] High Importance: Fact Based Reasons for Vaughan City Council to REJECT 4101 Rutherford Road Rezoning Application

To: Honourable Mayor Maurizio Bevilacqua, Council Members & Regional Council Members:

My name is Nick Ciappa and my family and I have been residents of Weston Downs for over 20 years.

**I am respectfully writing to you again, Vaughan City Council to state to you and to convince you once again, on my fact based reasons, to totally reject this significantly out of line rezoning application for 4101 Rutherford Road.** I have also presented to you through a deputation to Council, through several written communications, town hall interactions and telecom meetings stating why this application must be rejected and all my objections still stand.

Also I want to remind you, that the majority of Weston Downs residents and the Weston Downs Ratepayers Association have also all made compelling and fact based presentations (see Weston Downs Ratepayers Association website for summary of resident concerns) to you to convince you to reject this application.

**I hope you, Vaughan City Council, are hearing, understanding and registering in your minds that the strong majority of Weston Downs residents and also the residents of surrounding communities vehemently reject this rezoning application** for an 8+ story (it is not 6 floors as falsely stated) condo/rental building (6 floors plus a 2 story high mechanical enclosure on the roof) at 4101 Rutherford Road.

**I and the majority of Weston Downs residents are strongly and respectfully requesting that you reject this application and maintain the existing I-88, C3 zoning bylaw designation for 4101 Rutherford Road.**

I have reviewed the 4101 Rutherford Road rezoning application report dated May 12, 2021 by the Vaughan City Planners and **I totally disagree with their conclusions and reasons to support and to recommend approval by Vaughan City Council for this rezoning application.**

I have also reviewed the Ontario Provincial Growth Plan, The Regional Municipality of York's Official Plan and the City of Vaughan's Official Plan VOP-2010 and **I conclude, totally contrary to the City of Vaughan Planners, that the 4101 Rutherford Road rezoning application does not meet the policies and intent contained in these official guidance and detailed planning documents.** It appears to me that the developer for this application has written this report for the Vaughan City Planners for them to simply endorse and sign off in the positive on this application, without any due diligence to thoroughly review it against existing residential structures, policies, standards and to engage all stake holders in this review. **There is no way that a seasoned and unbiased City Planning Group could conclude to approve and defend this application.** See below, under **"Summary of my Review of Official Plans vs 4101 Rutherford Road rezoning application:"**

Also other areas of this report that I don't agree with or find misleading are as follows:

- 1) Report states other Vaughan City departments, like Environmental, Solid Waste, TRCA, Canada Post, School boards have no objections. I would expect these departments or entities to have no objections to most rezoning applications. However, more importantly, this report fails to state the fact and highlight or lowlight that **the residents of Weston Downs, who are most impacted by this applications, have and still strongly oppose and reject this application. This a major omission in the report.**
- 2) **The York Region Planning Department, a major stake holder, was not requested to review and approve this application for rezoning at 4101 Rutherford Road. This is another major omission in this review.**
- 3) None of the Weston Downs residents have been consulted with or

informed on how their concerns have been resolved or mitigated. **The fact is that none of the concerns raised by residents have been addressed by this re-application.**

**4) In fact, none of the resident concerns have been resolved** because they cannot be adequately resolved with this application in its current form of requesting approval for 6 + 2 story mechanical structure on roof = 8+ story high, for a piece of that land that has been zoned for C3 commercial for over 25 years.

**5) Contrary to the report stating the developer has made major changes in their re-application to accommodate resident concerns, the developer has not made any major changes in his re-application. The requested changes to this existing zoning bylaw still exceeds and blows by every boundary set in the I-88, C3 zoning bylaw for this land at 4101 Rutherford Road.**

**6) Sewer surging will result from this development that proposes to add 135 condo units. It is unlikely the proposed changes will prevent sewer surging and this will significantly affect existing residents of Weston Downs.**

**7) The \$622,000 community contribution or whatever it is, does not address any of the negative impacting concerns articulated by residents, but appears to be smoke and mirrors to get the existing zoning bylaw changed from C3 commercial to RA2, 8 stories+ and with an extremely high FSI.**

**The following are additional reasons as to why you must reject this application:**

**1. A decision by the Vaughan City Council and by the Planning Department to approve the current 4101 Rutherford Road Rezoning application is precedent setting** and will have major implications for future rezoning applications from developers in this residential area and in other areas. A positive decision on this file, will tell developers that Vaughan City Council and the City Planners will approve any major change to an existing zoning bylaw. If Council does not reject this application, it will inevitably result in numerous new rezoning applications for the following Weston Downs locations:

- i. Astona Plaza at 9000 Weston Road
- ii. Large Residential Property, 4343 Rutherford Road at SW corner of Babak Blvd and Rutherford Road
- iii. Plaza at SW corner of Weston and Rutherford Roads.

**If you, Vaughan City Council do not reject this application, the above applications will likely have to be approved on the basis of precedent and it will forever change the community of Weston Downs to the major negative for residents.**

**This application must therefore be rejected.**

2. As you all know the VOP-2010, was developed over 12 years ago and is still not fully approved. This should be a major disappointment and failure of the Vaughan City Council and Planners.

On page XI of VOP-2010, it is stated that, ***“The policies which have not been approved are highlighted in yellow throughout.”***

Schedule 13 of the VOP-2010 – **Has several yellow areas not approved, including the 4101 Rutherford Road Plaza land, so H4, 1.5 D designation for this land is NOT APPROVED.** The C3 zoning designation in I-88 is still applicable. The 4101 Rutherford Road application should therefore be rejected and the C3 commercial designation should be maintained. This original C3 zoning for 4101 Rutherford Road should be maintained as it has served the local community and Vaughan City extremely well since day one, over 25 years ago.

The only stable and likely most legally binding document for this rezoning application, is I-88.

3. The new updated City of Vaughan Comprehensive Zoning Bylaws, which are in their 3<sup>rd</sup> and final draft, maintain the 4101 Rutherford Road plaza land as C3 commercial zoning, but is renamed as NC neighborhood commercial with the same maximum building height of 3 floors or 11 meters.

4. A Municipalities Zoning Bylaws, like Vaughan’s Official and legally binding, I-88 zoning bylaws, are critical to maintaining, sustaining, growing and approving proposed and planned developments that must be implemented in an orderly, organized and ethical manner. **There must be in place an extremely high set of standards to change an existing zoning bylaw(s) especially one(s) that have been in place for many years and that has been used by many families to make major residential home investments.** It is unfair and very likely, unethical to make a major change to an existing long standing zoning bylaw for the sole benefit of one person or a handful of people or development entities. **This rezoning application does not meet any high standard for change and must therefore be rejected.**

5. I would request that the Vaughan City Council and Planners put themselves in the shoes of residents adjacent to the 4101 Rutherford Road plaza. These residents spent a significant amount of money to buy a house in this area. They most likely investigated the zoning designation for 4101 Rutherford Road plaza through their real estate agents and through inquires to the Vaughan City Planning department prior to

their purchase. They likely were told the subject plaza, as I was, is zoned C3 commercial, 3 story maximum high structure as defined in the I-88 zoning bylaws and that it is very unlikely to be changed. **I believe it is unethical to approve a zoning application that wants to totally blow up the existing C3 bylaw to get an 8+ story with a super high FSI. How would you feel and how would like your home to be significantly degraded in value and your view and surroundings significantly degraded by this 6 + 2 story high building?**

**6. I would like Vaughan City Council to consider and reflect on why there are no 6 or 8+ floor high condo or rental apartment buildings along both Rutherford Road and Major Mackenzie Drive between Islington Ave and Keele Street.** There are only 1-2 floor plazas and maximum 3 story high townhouses/condos with no 1-2 story high mechanical structures on their roofs. The reason is simply, it does not fit the character of the surrounding communities. **Therefore for this reason, you must reject the rezoning application at 4101 Rutherford Road and maintain its C3 commercial zoning bylaw at this property.**

**Summary of my Review of Official Plans vs 4101 Rutherford Road rezoning application:**

The 4101 Rutherford Road application for rezoning should be **immediately rejected** as it does not meet the policies and intent of the provincial, regional and municipal official land use plans:

- I. The Ontario Provincial Growth Plan
- II. The Regional Municipality of York's  
Official Plan
- III. City of Vaughan's Official Plan VOP-2010

I have reviewed these official plans to the best of my abilities and I have concluded that both the original and re-submitted 4101 Rutherford Road applications for rezoning **do not meet the policies and intent of these official plans and should therefore be rejected.** I have restated key parts of these official plans that show the 4101 Rutherford Road application for rezoning is in complete violation of these official plans and should therefore be rejected.

**The Provincial Growth Plan:**

- A. Establishes minimum intensification and density targets that recognize the diversity of communities across the Greater Golden Horseshoe for regions and municipalities to implement.
- B. The York Official Plan 2019 and VOP-2010 meet the intent of the Ontario Government's Provincial Growth Plan identifying Regional and Primary Intensification Corridors.

**4101 Rutherford Road and surrounding areas are not identified in these Primary and Regional Corridors and therefore this application for**

**rezoning should be rejected.**

**The Regional Municipality of York's Official Plan:**

- A. York Region's Vision in the Plan states and wants to be and have;
  - a. Responding to the Needs of Our Residents
  - b. Managed and Balanced Growth
  - c. Engaged Communities and a Responsive Region
- B. Intensification areas are to be identified and planned for by the Local Municipalities as part of their Intensification Strategy.

**The VOP-2010 has identified Primary Intensification areas and 4101 Rutherford Road is not located in one of these intensification corridor areas and therefore this application should be rejected.**

**City of Vaughan Official Plan, VOP-2010:**

**The 4101 Rutherford Road application for rezoning should be rejected as it does meet many sections and intent of the VOP-2010, as shown by the following;**

- A. Goal 8: Directing Growth to Appropriate Locations
  - a. Planning for the attractive, sustainable and prosperous city envisioned by this Plan will in large part be achieved by directing growth to appropriate locations... ..Intensification Areas have been limited to 3% of the overall land base to protect existing Community Areas and Natural Areas.
- B. 2.1.3.2. To address the City's main land-use planning challenges and to manage future growth by:
  - a. ensuring the character of established communities are maintained;
  - b. 2.2.1.1.....establishes a hierarchy of Intensification Areas that range in height and intensity of use, as follows and as shown on Figure 6, Intensification Areas:
    - i. The Vaughan Metropolitan Centre will be the major focus for intensification...
    - ii. Regional Intensification Corridors will be a major focus for intensification...
    - iii. Primary Centres will be locations for intensification accommodated in the form of predominantly mixed-use high- and mid-rise buildings, developed at an

intensity supportive of transit.

iv. Local Centres will provide the mixed-use focus for their respective communities, in a manner that is compatible with the local context.

v. Primary Intensification Corridors

.....

- **4101 Rutherford Road is not located in one of these intensification areas and therefore this application should be rejected.**

C. 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 that would alter the general character of established neighbourhoods. New development that respects and reinforces the existing scale, height, massing, lot pattern, building type, orientation, character, form and planned function of the immediate local area is permitted, as set out in the policies in Chapter 9 of this Plan. (OPA #15)

2.2.3.3. That limited intensification may be permitted in Community Areas ..... The proposed development must be sensitive to and compatible with the character, form and planned function of the surrounding context.

D. 2.2.3.4. That development immediately adjacent to Community Areas shall ensure appropriate transition in scale, intensity, and use, and shall mitigate adverse noise and traffic impacts, while fulfilling the intensification objectives for Intensification Areas, where applicable.

E. VOP-2010 Figure 6 Intensification Areas and VOP-2010 schedules 1-14 do not show 4101 Rutherford Road to be in a Primary or Regional Intensification Corridor areas. **Therefore the 4101 Rutherford Road application for rezoning should be rejected.**

**Finally, I want to remind all Vaughan City Council members and planners that the perception the residents of a community have of their elected officials and of the municipal planning department staff, hired to mainly serve the residents, is of paramount, ethical importance.** There is of a lot of discussion going on in the community of unethical relationships the owner / developer of 4101 Rutherford Road plaza who is submitting this rezoning application, has had or is having with members of Vaughan Council and Planning Department staff. If true, anyone involved or perceived to be involved in any comprising situation with this developer must recuse themselves from evaluating and / or voting on this application. Perhaps this entire file should be rejected and thrown out because of this perception.

I want also the Vaughan City Council to reflect on what it says about their character, priorities and work ethics, when the residents of a community, like Weston Downs, organize to hire a Lawyer to defend and litigate for their concerns against a developer, because they cannot trust their elected officials to do their due diligence to

eliminate residents' concerns and to support the majority of residents in the Weston Downs community against a very unreasonable rezoning application at 4101 Rutherford Road.

In closing, based on the above facts I have presented to you, along with those summarized on the Weston Downs Ratepayers Association website, I respectfully ask you, the **Vaughan City Council to completely reject this rezoning application for 4101 Rutherford Road.**

Respectfully,

Nick Ciappa, P. Eng.