

Committee of the Whole (1) Report

DATE: Tuesday, June 7, 2022

WARD: 2

TITLE: RUTHERFORD HEIGHTS INC.

SITE DEVELOPMENT FILE DA.21.044

10, 20 & 25 DI BENEDETTO LANE & 110 SIMMONS STREET

VICINITY OF RUTHERFORD ROAD AND REGIONAL ROAD 27

FROM:

Haqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.21.044 on the subject lands shown on Attachment 2, to permit the development of 70 street townhouse units served by private common element condominium roads as shown on Attachments 3 to 6.

Report Highlights

- The Owner proposes to develop the subject lands with 70 street townhouse units to be served by private common element condominium roads
- A Minor Variance Application is required to facilitate the development
- The Development Planning Department supports the approval of the development as it is consistent with the Provincial Policy Statement, 2020, conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended, the York Region Official Plan 2010, and Vaughan Official Plan 2010, and is compatible with the existing and planned land uses in the surrounding area

Recommendations

1. THAT Site Development File DA.21.044 (Rutherford Heights Inc.) BE DRAFT APPROVED SUBJECT TO THE CONDITIONS of Site Plan Approval included in Attachment 1 to the satisfaction of the Development Planning Department, to

permit the development of 70 street townhouse units on common element condominium roads as shown on Attachments 3 to 6.

2. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:

“THAT Site Development Application DA.21.044 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 70 residential townhouse units (214 persons equivalent). The allocation of said capacity may be redistributed (at the discretion of the City) in accordance with the City’s Servicing Capacity Allocation Policy if the development does not proceed to registration and/or building permit issuance within 36 months.”

Background

The subject lands (the ‘Subject Lands’) are located on the west side of Simmons Street, south of Rutherford Road and west of Highway 27, and are municipally known as 10, 20 and 25 Di Benedetto Lane and 110 Simmons Street. The Subject Lands and surrounding land uses are shown on Attachment 2.

A Site Development Application has been submitted to permit the proposed development

Rutherford Heights Inc. (the ‘Owner’) has submitted Site Development File DA.21.044 (the ‘Application’) for the Subject Lands shown on Attachment 2, to permit the development of 70 street townhouse units on common element condominium roads (the ‘Development’), as shown on Attachments 3 to 6.

Vaughan Council approved Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision Applications for the Subject Lands

Vaughan Council, on March 11, 2020, approved Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Files OP.18.019, Z.18.031, and 19T-18V012. The implementing Official Plan Amendment (OPA Number 55), and Zoning By-law Amendment (By-law 041-2020) were enacted by Vaughan Council on April 21, 2020.

Vaughan Council, on February 15, 2022, enacted By-laws 027-2022 and 028-2022 which amended Zoning By-law 1-88 and Zoning By-law 001-2021 to remove the Holding Symbol “(H)” from the Subject Lands.

Previous Reports/Authority

Previous reports related to the Applications are available through the following web links:

[February 12, 2019 Committee of the Whole Public Meeting \(Item 3, Report 8\) – Official Plan Amendment OP.18.019, Zoning By-law Amendment Z.18.031 and Draft Plan of Subdivision 19T-18V012](#)

[March 11, 2020 Committee of the Whole \(Item 1, Report 9\) – Official Plan Amendment OP.18.019, Zoning By-law Amendment Z.18.031 and Draft Plan of Subdivision 19T-18V012](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement, 2020

Section 3 of the *Planning Act* requires that all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement, 2020 (the ‘PPS’). The 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 Development is consistent with the PPS, specifically Sections 1.1.3.1, 1.1.3.2, 1.1.3.4, 1.4.1 and 1.6.6.2 regarding: focusing development to settlement areas; efficient land use patterns, promoting intensification, redevelopment and compact built form; providing a range and mix of housing options; and promoting redevelopment which optimizes the use of existing municipal services.

The Subject Lands are located within a Settlement Area as defined by the PPS. The Development will contribute to growth within a defined settlement area that represents a more compact and efficient use of the Subject Lands, as it minimizes land consumption, will contribute to the mix of housing options available within the community, and will be supported with appropriate infrastructure. The Development is consistent with the PPS.

The Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the ‘Growth Plan’) guides decision making on a wide range of issues, including economic development, land-use planning, urban form, and housing. Council’s planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The Development conforms to the policy framework of the Growth Plan, specifically Sections 2.2.1, 2.2.1.4 and 2.2.6 regarding: directing growth to settlement areas that have existing or planned municipal water and wastewater systems; and achieving complete communities by providing a diverse range and mix of housing options to accommodate people at all stages of life and the needs of all household sizes and incomes, the provision of a more compact built form, and by considering a range and mix of housing options and densities of the existing housing stock and diversifying housing stock across the municipality.

The Development proposes a built form that would make efficient use of the Subject Lands and existing and planned infrastructure, and provide housing at densities that are supportive of the Growth Plan objectives. The Development conforms to the Growth Plan.

The Development conforms to the York Region Official Plan 2010

The York Region Official Plan 2010 ('YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" by Map 1: Regional Structure of the YROP, which permits a range of residential, commercial, industrial, and institutional uses. Section 5.0 of the YROP states that "intensification within the Urban Area will accommodate a significant portion of the planned growth in the Region."

Section 3.5.4 requires that local municipal official plans and zoning by-laws permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community, and that the mix and range of housing shall be consistent with Regional forecasts, and intensification and density requirements.

The Development conforms to the YROP, as it will contribute to the diversity of housing types, lot and unit sizes, and tenure within the community.

The Development conforms to the Vaughan Official Plan 2010

The Subject Lands are located within a "Community Area" as identified on Schedule 1 – Urban Structure of the Vaughan Official Plan ('VOP') 2010. The Subject Lands are also designated "Low-Rise Residential" on Schedule 13 - Land Use of VOP 2010, and subject to Volume 2, Section 13, Site-Specific Policy 13.54, as adopted by Vaughan Council on April 21, 2020, through OPA 55, which permits 70 townhouse units on the Subject Lands. The Development conforms to the Community Area policies and Section 13.54.1.2 of VOP 2010.

A Minor Variance Application is required to permit the Development

The Subject Lands are zoned “RT1 Residential Townhouse Zone” (‘RT1 Zone’) and subject to site-specific Exception 9(1490) by Zoning By-law 1-88, which establishes the required zoning standards to facilitate the Development. As part of the detailed review of the Application, the following zoning deficiency was identified which requires a Minor Variance Application:

- to permit a maximum encroachment of two steps (3 risers) into the required garage length for a portion of the garage abutting a dwelling unit for Blocks 4 and 7; whereas only one step (2 risers) are permitted to encroach

The Minor Variance is required due to minor modifications to the Development and will facilitate a compact built form that is desirable and appropriate for the development of the Subject Lands, is considered minor in nature, and maintains the intent of the approved site-specific Zoning By-law and VOP 2010. Accordingly, the Development Planning Department can support the required variance.

Should the Development be approved, the Owner shall be required to submit a Minor Variance Application and obtain approval from the Committee of Adjustment to permit the above noted Minor Variance, prior to the execution of the Site Plan Agreement. A condition to this effect is included in Attachment 1.

The two-year moratorium for a Minor Variance Application, in accordance with the Planning Act, does not apply to the Application

Section 45 (1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application to the Committee of Adjustment within two years of the day on which a Zoning By-law was amended. Section 45 (1.4) of the *Planning Act* provides an exception to this restriction where Council declares by resolution to allow an Owner to apply for a Minor Variance(s) within 2 years of the passing of a by-law amendment.

Site-specific Zoning By-law 041-2020 was enacted by Council on April 21, 2020. Vaughan Council also passed a resolution to allow the Owner to apply for a Minor Variance within 2 years of the passing of Zoning By-law 041-2020. Notwithstanding, the 2-year moratorium period ended on April 21, 2022, and the Owner is permitted to apply for a Minor Variance Application.

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

On October 20, 2021, Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law. A notice of the passing was circulated on October 25, 2021, in accordance with the *Planning Act*. The last date for filing an appeal to the OLT in respect of By-law 001-2021 was November 15, 2021. By-law 001-2021 is currently under appeal and, when in force, will replace Zoning By-law 1-88, as amended. Until such time as By-law 001-2021 is in force, the Owner will be required to demonstrate conformity with both By-law 001-21 and Zoning By-law 1-88, as amended, unless a transition provision under By-law 001-2021 applies.

Zoning By-law Amendment File Z.18.031 was approved by Council on March 11, 2020, and subsequent By-law 041-2021, which implemented the approved site-specific provisions on the Subject Lands, was enacted by Council on April 21, 2020. Therefore, Zoning By-law 1-88 applied to the Development as the Application is transitioned under Section 1.6.3 of Zoning By-law 001-2021.

Draft Plan of Subdivision approval was granted to create one residential development Block to implement the Development and future Common Element Condominium tenure

Draft Plan of Subdivision File 19T-18V012 ('Draft Plan') was approved by Vaughan Council on March 11, 2020, to create one residential development Block and other Blocks for road reserves, in order to implement the Development and future Common Element Condominium tenure. Prior to the execution of the Site Plan Agreement, the Owner is required to satisfy all conditions of Draft Plan of Subdivision approval, and the Draft Plan shall be registered. A condition to this effect is included in Attachment 1.

Draft Plan of Condominium File 19CDM-18V004 has been submitted to facilitate the Development, and an Exemption from Part Lot Control Application will also be required

Draft Plan of Condominium File 19CDM-18V004 has been submitted to establish condominium tenure and common elements of the Development and will require approval at a future Committee of the Whole meeting. The future condominium corporation will be responsible for the maintenance of all common element areas in the Development, including but not limited to, parking, private road, pedestrian connections, landscaping, sanitary and storm water connections, and amenity areas.

An Exemption from Part Lot Control Application will also be required to create individual lots tied to the common element condominium ('Parcels of Tied Land') for future ownership.

The Development Planning Department has no objection to the Development, subject to the Conditions of Site Plan Approval identified in Attachment 1

Site Plan

The Development shown on Attachments 3 to 6 consists of 70 street townhouse units within 14 Blocks accessed by private common element condominium roads which connect to Simmons Street and Wascana Road. Each townhouse unit will include a rear yard with decks and private balconies.

18 visitor parking spaces, inclusive of one (1) barrier-free space, are proposed throughout the Development. Each townhouse unit includes two (2) parking spaces, one on the driveway and one in the garage. A community amenity space of 285.7 m² is proposed between Blocks 2 and 3 on the south side of Divadale Road and includes a play area and passive recreational space. Community mailboxes are proposed on the west side of the Subject Lands adjacent to a proposed visitor parking area and berm along Drainie Street. Snow storage is proposed in three locations: along the west side and south end of Drainie Street, and in front of the community amenity space. The Development Planning Department recommends that the snow storage location in front of the community amenity space be relocated, and that pedestrian access be provided through the community amenity space for a potential mid-block connection to a future development to the south.

Pedestrian connections are proposed throughout the Development as well as to the adjacent development across Wascana Road. A 1.83 m high chain link fence is proposed along the west property line of the Subject Lands. A 3 m high wood acoustic fence on top of a berm is proposed to mitigate noise from the Canadian Pacific Rail ('CPR') line on the west side of the Subject Lands.

Building Elevations

Typical townhouse unit elevations are shown on Attachments 5 and 6. The Development will include primarily brick, precast concrete, stone, wood siding, and versatex panels, with two colour packages that are applied in an alternating fashion with each townhouse block. Through continued review of the elevations, the Development Planning Department requests that coloured elevations be submitted and reviewed to the satisfaction of the Urban Design Division.

Landscape Plan

The Landscape Plan shown on Attachment 4 consists of a mix of deciduous ornamental trees and coniferous trees, perennials, and shrubs. A community amenity space is proposed between Blocks 2 and 3 and is furnished with masonry pillars, benches,

pavers, a shade structure, and a decorative fence. The perimeter of the Development includes a mix of privacy and decorative fences.

Sustainability Performance Metrics

The Sustainability Performance Metrics Threshold scores are applicable to Site Development Applications which must achieve the minimum required Bronze Sustainability Threshold Score (bronze level) of 31. The Owner has submitted a Sustainability Performance Metrics scoring tool and cover letter in support of the Application. A revised scoring tool and cover letter is required to demonstrate how the development achieves the required bronze level score. A condition to this effect is included in Attachment 1.

The Development Planning Department is satisfied with the Development, as shown on Attachments 3 to 6. Prior to the execution of the Site Plan Agreement, the final site plan, building elevations, landscape plan, landscape details, landscape cost estimate, photometric plan and Sustainability Performance Metrics for the Development must be approved to the satisfaction of the Development Planning Department. A condition to this effect is included in Attachment 1.

There are no Cultural Heritage concerns for the Development

The Cultural Heritage Division of the Development Planning Department has no concerns with the Development, subject to standard archeological clauses included in the Site Plan Agreement. Conditions to this effect are included in Attachment 1.

The Development Engineering Department has no objection to the Development, subject to the Conditions of Site Plan Approval identified in Attachment 1

The Development Engineering ('DE') Department has provided the following comments:

Water Servicing

The Subject Lands are located within Pressure District ('PD') 5 and are proposed to be serviced by a connection to an existing watermain on the west side of Simmons Street. A proposed watermain will extend into the Subject Lands, and the water service connection will be equipped with a backflow preventer, bulk meter, and chamber at the property line. Each residential unit will have an individual domestic water service connection. A total of three (3) fire hydrants are proposed on the Subject Lands for fire protection and watermain flushing.

Sanitary Sewer Network

The Subject Lands are proposed to be serviced by a sanitary sewer traversing from the site through a repurposed municipal easement located at 75 Simmons Street, crossing

Highway 27, and connecting to an existing sanitary sewer located on Royalpark Way. The new sewer crossing is being installed by the Owner of the adjacent development directly north of the Subject Lands.

A Downstream Sanitary Analysis Report (Royalpark Way Sanitary Capacity Analysis Report prepared by Civica, dated January 25, 2019) was previously submitted and reviewed by the City. The recommendations presented in the report confirmed that the existing downstream system provided adequate capacity for the proposed and future developments on Simmons Street and is in general conformance with the conclusions and recommendations contained in the City's Interim Servicing Strategy ('ISS') Study.

Stormwater Management

The Owner is proposing to capture stormwater flows with an underground storage chamber and oversized sewers to be constructed within the Subject Lands and convey the flow utilizing pre-development target flow rates to a new storm sewer on Simmons Street. The new storm sewer within the Simmons Street right-of-way will convey stormwater flow from the Subject Lands northerly to the existing road stormwater outlet located at the low point of Simmons Street. The sewer is proposed to terminate with a new headwall at the outlet east of Simmons Street where flow is then conveyed easterly through an existing overland ditch. All stormwater storage and quality facilities are proposed to be within the Subject Lands.

The DE Department is generally satisfied with the proposed stormwater drainage schematic, subject to the final drawings being approved by the DE Department.

Subdivision Agreement

The Owner has confirmed with the DE Department that Draft Plan of Subdivision Conditions can be satisfied in lieu of entering into a Subdivision Agreement, and the Owner, in consultation with the DE Department, will determine any external works that can be captured in a Site Plan Agreement. Typically, a Subdivision Agreement is required for the installation, design, and construction of any improvements to the municipal infrastructure regarding the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support the Development. The Owner also shall agree to pay applicable fees and post necessary letter of credits pursuant to the City Fees and Charges By-law as amended.

Environmental Engineering

The Owner submitted a Phase One Environmental Site Assessment (ESA) report, prepared by Soil Engineers Limited (SEL) dated August 23, 2019, and a Reliance Letter, dated October 7, 2019, which were reviewed by the DE Department through

Files OP.18.019, Z.18.031, and 19T-18V012. The findings of the ESA documents did not identify any areas of potential environmental concern and indicated no further ESA investigations were required. The DE Department is satisfied with the submitted ESA documents.

Transportation Engineering

The Development includes a primary access point via Simmons Street to a 6-metre-wide private common element road. Access will also be provided through three (3) private common element roads connecting with Wascana Road located within the adjacent townhouse development to the north of the Subject Lands. A total of 158 parking spaces are proposed to serve the Development, with two (2) parking spaces proposed per unit, as well as 18 visitor parking spaces, inclusive of one (1) barrier-free space.

Noise Feasibility Study

The Owner submitted a Noise and Vibration Feasibility Study, prepared by HGC Engineering Ltd., dated September 22, 2021, to assess the noise and vibration impacts on the Development. The Owner shall satisfy all requirements with respect to noise attenuation and ensure all recommendations (i.e. – acoustic wall height, building construction materials etc.) are implemented in accordance with the Noise and Vibration Feasibility Study. Pursuant to this, the DE Department will require an updated Noise Feasibility Study with site specific warning clauses and the detailed design of any noise attenuation features prior to the issuance of final Site Plan approval. Attachment 1 of this report includes warning clauses and conditions to this effect.

The DE Department shall approve the final site servicing and grading plan, erosion control plan, functional servicing and storm water management reports, site plan drawings, final noise report, site illumination plan, hydrogeological assessment, and necessary transportation related reports and Traffic Impact Study ('TIS'). Conditions related to the above DE comments are included in Attachment 1.

Sewage and Water Allocation is available for the Development

On December 10, 2021, Vaughan Council endorsed its Allocation of Servicing Capacity Annual Distribution and Update and Allocation of Servicing Capacity Policy. Accordingly, servicing capacity to Site Development File DA.21.044 is available and unrestricted. A resolution to this effect is included in the Recommendation section of this report.

Development Charges for the Development are applicable

The owner shall pay to the City applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board. A clause for the payment of Development Charges is included as a standard condition in the Site Plan Agreement. Potential oversizing costs may also be required, as previously identified on the related Draft Plan of Subdivision 19T-18V012.

The Environmental Services Department, Solid Waste Management Division has no objection to the Development

The Waste Management Division has reviewed the Development and is satisfied with the truck maneuvering plan and the proposed curbside collection for garbage and recycling. The Owner shall also confirm with the Environmental Services Department, Solid Waste Management Division, the eligibility of municipal waste collection services for the Development and the future Condominium Corporation. A condition to this effect is included in Attachment 1.

The Parks, Forestry and Horticulture Department has no objection to the Development, subject to the Conditions of Site Plan Approval identified in Attachment 1

An Arborist Report and a Tree Removals Plan prepared by Strybos Barron King Ltd. was submitted with the Application to identify the number, species, condition, and size (diameter) of the existing private trees proposed to be removed from the Subject Lands.

All existing trees within the Subject Lands are identified to be removed, requiring the replacement or compensation for 107 trees. The Owner proposed to replant 57 trees and pay cash-in-lieu to the City for the remaining 50 trees in accordance with Tree By-law 052-2018 and the City's Tree Protection Protocol. The Owner is required to enter into a Tree Protection Agreement with the Development Planning Department prior to the execution of the Site Plan Agreement. A condition to this effect is included in Attachment 1.

The Parks Infrastructure Planning and Development Department ('PIPD') has no objection to the Development, subject to the Conditions of Site Plan Approval identified in Attachment 1

The PIPD Department has no objection to the Development, subject to the Owner agreeing to construct the pedestrian sidewalk along Simmons Street, as shown on the Landscape, Grading and Servicing Plans. The PIPD Department has also identified that payment in-lieu of Parkland Dedication will be required in accordance with the *Planning Act* and the City policies, subject to review and approval by the Real Estate Department.

A condition in Attachment 1 requires the Owner to satisfy the requirements of the Parks Department.

Cash-in-Lieu of the Dedication of Parkland is required

The owner shall dedicate land and/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City's Cash-in-Lieu of Parkland Dedication policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the *Planning Act*, prepared by an accredited appraiser for approval by the Vaughan Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment. A condition to this effect is included in Attachment 1.

The Toronto and Region Conservation Authority ('TRCA') has no objection to the Development

The TRCA has no objection to the approval of the Development as the Subject Lands are located outside of the TRCA's Regulated Area, and the Owner has satisfied all comments relating to stormwater management for the Development.

Canadian Pacific Railway ('CPR') has no objection to the Development

CPR has reviewed the submission and has no objection to the Development, subject to the Development following CPR's 2013 Proximity Guidelines.

The various utilities have no objection to the Development, subject to the Conditions of Site Plan Approval identified in Attachment 1

Bell Canada, Alectra Utilities Corporation, and Enbridge Gas Inc. have no objections to the Development, subject to the Owner coordinating servicing connections and easements prior to the commencement of any site works. A condition to this effect is included in Attachment 1 of this report. Rogers Communications also has no objection to the proposed Development.

Canada Post has no objection to the Development, subject to the Conditions of Site Plan Approval identified in Attachment 1

Canada Post has reviewed the Application and advises that the Development will be serviced by centralized mail delivery provided through Canada Post Community Mailboxes. The approved location of the Community Mailboxes is shown on Attachment 3, near the southwest corner of the Subject Lands. Canada Post will also require further notification through the design stage of the Development. A Condition in Attachment 1 requires the Owner to satisfy the requirements of Canada Post.

The School Boards have no objection to the Development

The York Region District School Board and the York Catholic District School Board have advised they have no comments or objections to the Development.

Financial Impact

Not Applicable.

Broader Regional Impacts/Considerations

York Region has no objection to the Development, subject to the conditions identified in Attachment 1.

Conclusion

The Development has been reviewed in consideration of the policies of the PPS, the Growth Plan, York Region and Vaughan Official Plan policies, the requirements of Zoning By-law 1-88, comments from City Departments, external public agencies, and the area context.

The Development Planning Department is satisfied that the Development is consistent with the PPS, conforms to the Growth Plan, YROP 2010 and VOP 2010, is consistent with Zoning By-law 1-88, subject to the approval of a Minor Variance Application, and is appropriate for the development of the Subject Lands. In consideration of the above, the Development Planning Department can support the approval of the Development subject to the Recommendations contained in this report and the Conditions of Site Plan Approval identified in Attachment 1.

For more information, please contact: Michael Torres, Planner, Development Planning, ext. 8933

Attachments

1. Conditions of Site Plan Approval
2. Context and Location Map
3. Site Plan
4. Landscape Plan
5. Typical Building Elevations – Block 1
6. Typical Building Elevations – Block 2

Prepared by

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Approved by

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Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by

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Nick Spensieri, City Manager