

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 28, 2022**

Item 11, Report No. 27, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 28, 2022.

**11. 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**

**The Committee of the Whole recommends:**

- 1) That the recommendation contained in the report of the Deputy City Manager, Planning and Growth Management, dated June 7, 2022, be approved; and**
- 2) That the coloured elevations submitted by the applicant be received.**

**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.”

# Committee of the Whole (1) Report

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**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:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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## **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 m<sup>2</sup> 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**

Michael Torres, Planner, ext. 8933

Chris Cosentino, Senior Planner, ext. 8215

Mark Antoine, Senior Manager of Development Planning, ext. 8212

Nancy Tuckett, Director of Development Planning, ext. 8529

**Approved by**

A handwritten signature in black ink, appearing to read 'Haiqing Xu', written in a cursive style.

Haiqing Xu, Deputy City Manager,  
Planning and Growth Management

**Reviewed by**

A handwritten signature in black ink, appearing to read 'Nick Spensieri', written in a cursive style with a long horizontal stroke at the end.

Nick Spensieri, City Manager

**Attachment 1 – Conditions of Site Plan Approval  
Site Development File DA.21.044 (Rutherford Heights Inc.)**

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1. THAT prior to the execution of the Site Plan Agreement:
  - a) The Development Planning Department shall approve the final site plan, building elevations, landscape plan, landscape details, landscape cost estimate, photometric plan, and Sustainability Performance Metrics (SPM);
  - b) The M-Plan for Draft Plan of Subdivision 19T-18V012 shall be registered on title;
  - c) The Owner shall enter into a Tree Protection Agreement in accordance with the Tree Protection Protocol By-law 052-2018 and submit a final planting plan to the satisfaction of the Development Planning Department and the Forestry Operations Division of Transportation Services Parks and Forestry Operations;
  - d) The Owner shall provide a cash-in-lieu payment that must be submitted to the City in accordance with the Council adopted Tree By-law 052-2018 and the City's Tree Protection Protocol;
  - e) The Development Engineering 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);
  - f) The Owner shall pay the applicable fees and post necessary letter of credits including the Development Engineering Site Plan Complex review fee and the water consumption fee during building construction pursuant to City Fees and Charges By-law as amended;
  - g) The Owner shall satisfy all requirements of the Parks Infrastructure Planning and Development Department regarding the construction of the pedestrian sidewalk along Simmons Street;
  - h) The Owner shall obtain approval of a Minor Variance Application from the Committee of Adjustment and the decision from the Committee shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee, if any;



- i) The Owner shall provide to the Region of York the following documentation to confirm that water and wastewater services are available to the subject development and have been allocated by the City of Vaughan:
    - i. A copy of the Council resolution confirming that the City of Vaughan has allocated servicing capacity, specifying the specific source of the capacity, to the development proposed within this site plan, or any phase thereof; and
    - ii. a copy of an email confirmation by a City of Vaughan staff member stating that the allocation to the subject development remains valid at the time of the request for regional clearance of this condition;
  - j) The Owner shall satisfy all requirements from Alectra Utilities Corporation, Enbridge Gas Inc., Bell Canada and Canada Post;
2. THAT the Site Plan Agreement shall include the following provisions and/or warning clauses, to the satisfaction of the City:
- a) The Owner shall notify Forestry Operations Division of the Transportation Services, Parks and Forestry Operations once Tree Protection (Hoarding) has been installed, if required, to allow Vaughan Forestry to inspect and approve according to By-law 052-2018 and/or in accordance with the City of Vaughan's Tree Protection Protocol (2018);
  - b) 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;
  - c) 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;

- d) The Owner shall agree to notify both the Ministry of Tourism, Culture and Sport and the City of Vaughan Development Planning Department immediately in the event that:
- i. archaeological resources are found on the property during grading or construction activities, and the Owner must cease all grading or construction activities;
  - ii. where human remains are encountered during construction activities, the proponent must immediately cease all grading or construction activities. The proponent shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services; and
  - iii. a future development application that involves further soil disturbance, an archaeological assessment by a professional licensed archaeologist may be required and conditions of approval may apply;
- e) The Owner/Condominium Corporation understands and agrees that upon a successfully completed application, a site inspection, and the execution and registration of an agreement with the Vaughan Environmental Services Department, Solid Waste Management Division, as determined by Vaughan, the Condominium Corporation may be eligible for municipal waste collection services. Should the Condominium Corporation be deemed ineligible by Vaughan or choose not to enter into an Agreement with Vaughan for municipal collection service, all waste collection services shall be privately administered, shall be the responsibility of the Condominium Corporation and at the Condominium Corporation's sole cost;
- f) The Owner is required to contact the City's Environmental Services Department at least 72 hours in advance of connecting to and/or disconnecting from any existing municipal water services to ensure that staff is present on site to observe the works and to provide any additional requirements to the City's sole satisfaction;
- g) The Owner shall make the necessary arrangements with the City's Environmental Services Department for the supply of potable water for construction purpose. The Owner shall be responsible for all costs incurred by the City in connection with the water used for testing and flushing the water distribution system;

- h) The Owner shall implement erosion and sediment control mitigation measures during construction to minimize silt laden runoff discharge from the Subject Lands in accordance with the Erosion & Sediment Control Guidelines for Urban Construction (December 2006);
- i) The Owner shall agree to implement the recommendations of the final detailed noise impact assessment report into the design and construction of the buildings on the Subject Lands and include all necessary warning statements on all agreements of purchase and sale or lease of individual units, all to the satisfaction of the City;
- j) Prior to the issuance of a building permit and occupancy of each unit, a noise consultant shall certify that the building plans are in accordance with the noise control features recommended by the final detailed noise impact assessment report. Where mitigation measures such as wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a Professional Engineer at the City's request. The Engineer's certificate must refer to the final detailed noise impact assessment report and be submitted to the City's Chief Building Official and the Director of Development Engineering;
- k) The Owner shall agree in the Site Plan Agreement to include the necessary warning clauses in agreements of Offer of Purchase and Sale, lease/rental agreements and condominium declarations;
- l) Prior to occupancy of each dwelling unit, the Owner shall submit to the City satisfactory evidence that the appropriate warning clauses have been included in the Offer of Purchase and Sale, lease/rental agreements, and condominium declarations;
- m) The Owner shall agree in the Site Plan Agreement to carry out, or cause to carry out, the warning clauses set out in the Development Engineering memorandum dated April 26, 2022 to the satisfaction of the City. Prior to the transfer of any Lot or Block on the Plan, the Owner shall submit to the City satisfactory evidence that the appropriate warning clauses required by this agreement have been included in the Offer of Purchase and Sale or Lease for such Lot or Block;

n) The Owner shall include the following warning clauses in a schedule to all Offers of Agreement of Purchase and Sale, or Lease for all lots/blocks within the entire Plan:

- a) "Purchasers and/or tenants are advised that the planting of trees on City boulevards in front of residential units is a requirement of the City and a conceptual location Plan is included in the Site Plan Agreement. While every attempt will be made to plant trees as shown, the City reserves the right to relocate or delete any boulevard tree without further notice.

The City has not imposed an amount of a tree fee or any other fee, which may be charged as a condition of purchase for the planting of trees. Any tree fee paid by purchasers for boulevard trees does not guarantee that a tree will be planted on the boulevard in front or on the side of the residential dwelling."

- b) "Purchasers and/or tenants are advised that proper grading of all lots in conformity with the Subdivision Grading Plans is a requirement of this Site Plan Agreement.

The City has taken a Letter of Credit from the Owner (Subdivision Developer) for the security to ensure all municipal services including, but not limited to lot grading, are constructed to the satisfaction of the City. Direct cash deposit from the Purchasers to the City and/or Owner, for lot grading purposes, is NOT a requirement of this Site Plan Agreement. The City of Vaughan does not control the return of such deposits and purchasers/tenants must direct inquiries regarding this return to their vendor/landlord."

- c) "Purchasers and/or tenants are hereby put on notice that the Telecommunications Act and the Canadian Radio and Telecommunications Commission ("CRTC") authorize telephone and telecommunication facilities and services to be provided by telecommunication carriers other than traditional carriers for such services and that purchasers and tenants are advised to satisfy themselves that such carriers servicing the lands provide sufficient service and facilities to meet their needs."

- d) "Purchasers and/or tenants are advised that driveway widths and curb cut widths are governed by City of Vaughan Zoning By-law 1-88, as amended, as follows:

- i) Driveways In either front or exterior side yards shall be constructed in accordance with the following requirements:

Lot Frontage	Maximum Driveway Width
Less than 6 m	3m
6 m-6.99 m	3.5 m

- ii) The Front Yard for Lots less than 6.99 min frontage shall be comprised of a Minimum of 33% Landscaped Front or Exterior side yard and a minimum fifty percent (50%) of the Minimum Landscaped Front or Exterior side yard shall be soft landscaping in accordance with Paragraph 4.1.2 of Zoning By-law 1-88."
- e) "Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox as per requirements dictated by Canada Post. The location of the mailbox shall be shown on the community plan provided by the Owner in its Sales Office."
- f) "Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the building occupants."
- g) "Purchasers and/or tenants are advised that fencing and/or noise attenuation features along the lot lines of lots and blocks abutting public lands, including public highway, laneway, walkway or other similar public space, is a requirement of this Site Plan Agreement and that all required fencing and barriers shall be constructed with all fencing materials, including foundations, completely on private lands and totally clear of any 0.3m reserve, as shown on the Construction Drawings."
- h) "The City has taken a Letter of Credit from the Owner (Subdivision Developer) for security to ensure all fencing including, but not limited to privacy fencing, chain link fencing and acoustic fencing, are constructed to the satisfaction of the City. Direct cash deposit from the Purchasers to the City and/or Owner, for fencing, is not a requirement of this Site Plan Agreement."

- i) "Purchasers and/or tenants are advised that fencing along the lot lines of Lots and Blocks abutting public lands is a requirement of this Site Plan Agreement and that all required fencing, noise attenuation feature and barriers shall be constructed with all fencing materials, including foundations, completely on private lands and totally clear of any 0.3 metre reserve, as shown on the Construction Drawings."

"The maintenance of the noise attenuation feature or fencing shall not be the responsibility of the City, or the Region of York and shall be maintained by the Owner (Subdivision Developer) until assumption of the services of the Plan. Thereafter the maintenance of the noise attenuation feature or fencing shall be the sole responsibility of the lot owner or Condominium Corporation. Landscaping provided on Regional Road right-of-ways by the Owner or the City for aesthetic purposes shall be approved by the Region and maintained by the City with the exception of the usual grass maintenance."

- j) "Purchasers and/or tenants are advised that this plan of subdivision and Site Plan is designed to include rear lot catch basins. The rear lot catch basin is designed to receive and carry only clean stormwater. It is the homeowner's responsibility to maintain the rear lot catch basin in proper working condition by ensuring that the grate is kept clear of ice, leaves and other debris that would prevent stormwater from entering the catch basin. The rear lot catch basins are shown on the Construction Drawings and the location is subject to change without notice."
- k) "Purchasers and/or tenants are advised that the Owner (Subdivision Developer) has made a contribution towards recycling containers for each residential unit as a requirement of this Site Plan Agreement. The City has taken this contribution from the Owner to off-set the cost for the recycling containers, therefore, direct cash deposit from the Purchasers to the Owner for recycling containers purposes is not a requirement of the City of Vaughan. The intent of this initiative is to encourage the home Purchasers to participate in the City's waste diversion programs and obtain their recycling containers from the Joint Operation Centre (JOC), 2800 Rutherford Road, Vaughan, Ontario, L4K 2N9, (905) 832-8562; the JOC is located on the north side of Rutherford Road just west of Melville Avenue."

o) The Owner shall agree in the Site Plan Agreement to include or cause to include the following warning clauses for all purchasers and/or tenants within the Plan:

a) abutting or in proximity of any open space, valley lands, woodlots or stormwater facility:

- "Purchasers and/or tenants are advised that the adjacent open space, woodlot or stormwater management facility may be left in a naturally vegetated condition and receive minimal maintenance."

b) abutting or in proximity of any parkland or walkway:

- "Purchasers and/or tenants are advised that the lot abuts a "Neighbourhood Park" of which noise and lighting may be of concern due to the nature of the park for active recreation."

c) encroachment and/or dumping:

- "Purchasers and/or tenants are advised that any encroachments and/or dumping from the lot to the school site, park, open space, woodlot and/or storm water management facility are prohibited."

d) gate of access point:

- "Purchasers and/or tenants are advised that the installation of any gate of access point from the lot to the school site, open space, stormwater management facility, watercourse corridor, woodlot, and/or park is prohibited."

e) future grade separation on Rutherford Road:

- "Purchasers and/or tenants are advised that a future grade separation is anticipated to be constructed between the Canadian Pacific Railway track and Rutherford Road. Grading of Rutherford Road may be modified because of the anticipated construction works to facilitate the grade separation."

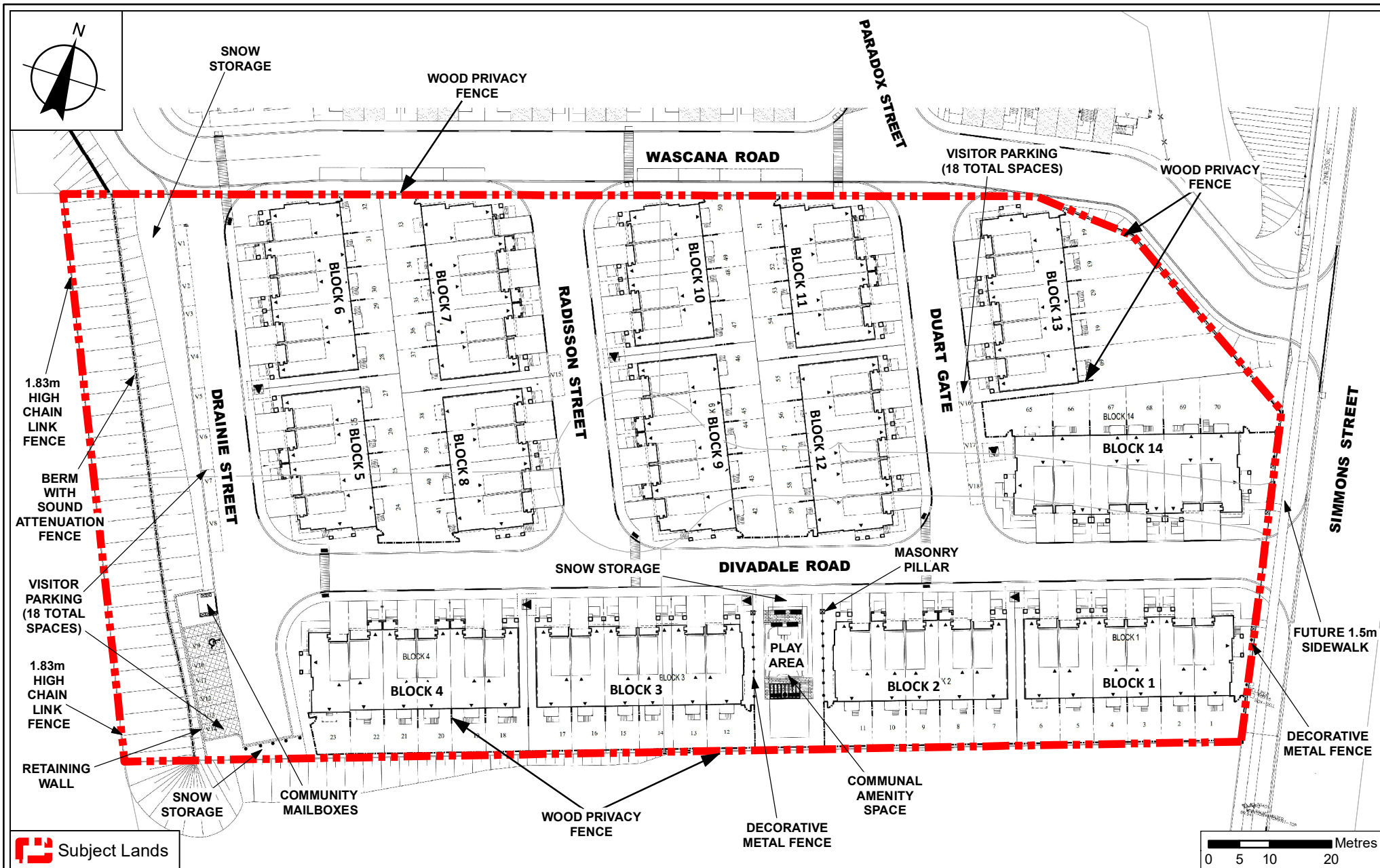
- p) The Owner shall agree in the Site Plan Agreement to include, or cause to include the following warning clauses Council approved September 29, 1997 with respect to "Tree Fees" for all purchasers and/or tenants with the Plan:
- a) "Purchasers are advised that the planting of trees on City boulevards in front of residential units is a requirement of the Site Plan Agreement. A drawing depicting the conceptual location for boulevard trees is included as a schedule in this Site Plan Agreement. This is a conceptual plan only and while every attempt will be made to plant trees as shown, the City reserves the right to relocate or delete any boulevard tree without further notice."
  - b) "The City has not imposed an amount of a 'Tree Fee' or any other fee which may be charged as a condition of purchase for the planting of trees. Any 'Tree Fee' paid by the purchasers for boulevard trees does not guarantee that a tree will be planted on the boulevard in front or on the side of a residential dwelling."
- q) A clause should be inserted in all offers to purchase, agreements of purchase and sale or lease and in the title deed or lease of each dwelling within 300m of the Canadian Pacific Railway right-of-way, warning prospective purchasers or tenants of the existence of the Railway's operating right-of-way, the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.
- r) A clause should be inserted in all offers of purchase and sale or lease, and be registered on title or included in the lease for each dwelling affected by any noise and vibration attenuation measures advising that any berm, fencing, or vibration isolation features implemented are not to be tampered with or altered, and further that the Owner shall have the sole responsibility for and shall maintain these features.

Dwellings must be constructed such that the interior noise levels meet the criteria of the appropriate Ministry. A noise study should be carried out by a professional noise consultant to determine what impact, if any, railway noise would have on residents of proposed subdivision and to recommend



mitigation measures, if required. The Canadian Pacific Railway may consider other measures recommend by the study.





**Subject Lands**

## Site Plan

**LOCATION:** Part of Lot 15, Concession 9;  
10, 20, 25 Di Benedetto Lane and 110 Simmons Street

**APPLICANT:**  
Rutherford Heights Inc.



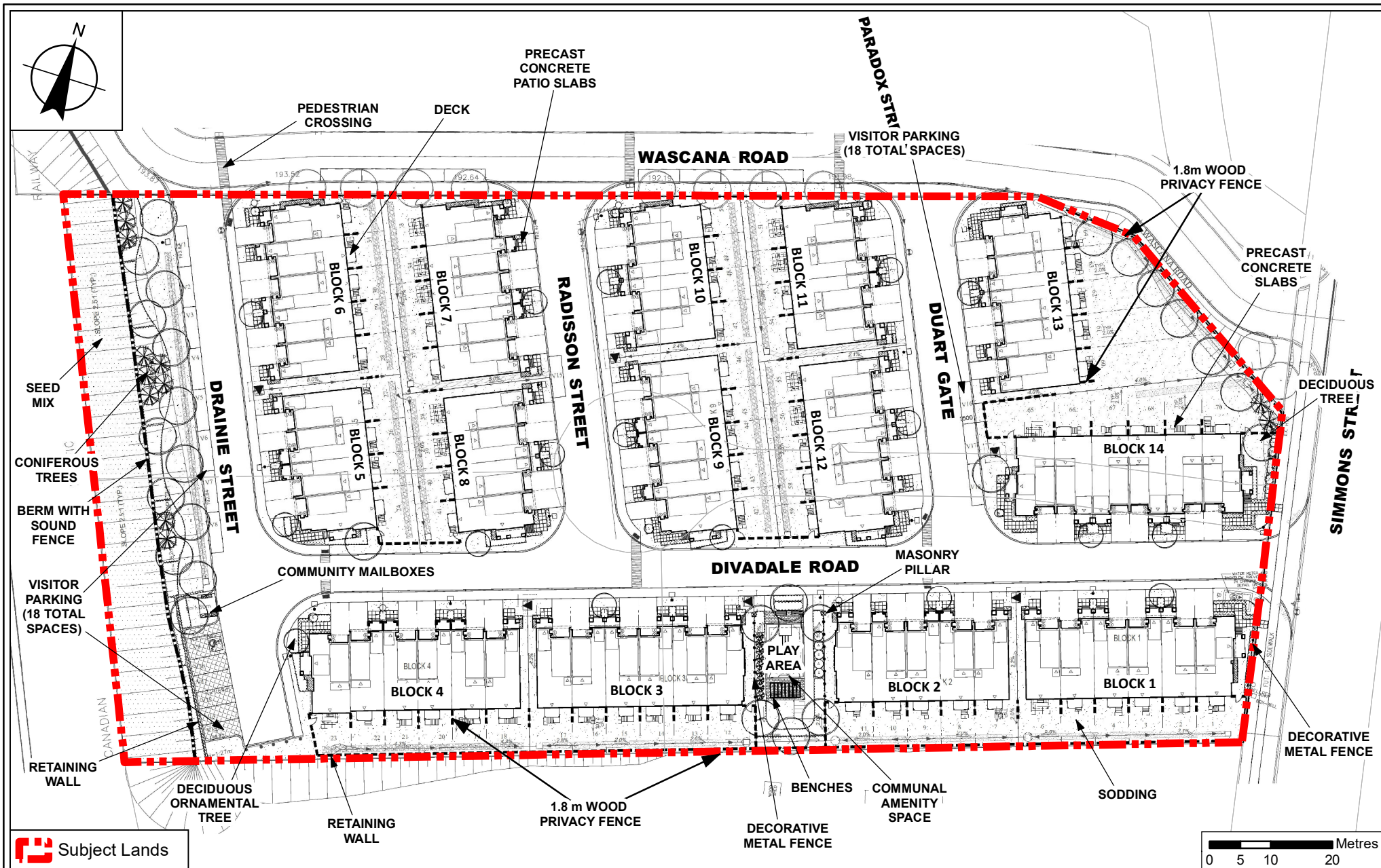
## Attachment

**FILE:** DA.21.044  
**RELATED FILES:** OP.18.019,  
Z.21.050, Z.18.031, 19T-18V012  
and 19CDM-18V004

**DATE:** June 7, 2022

**3**





# Landscape Plan

**LOCATION:** Part of Lot 15, Concession 9;  
10, 20, 25 Di Benedetto Lane and 110 Simmons Street

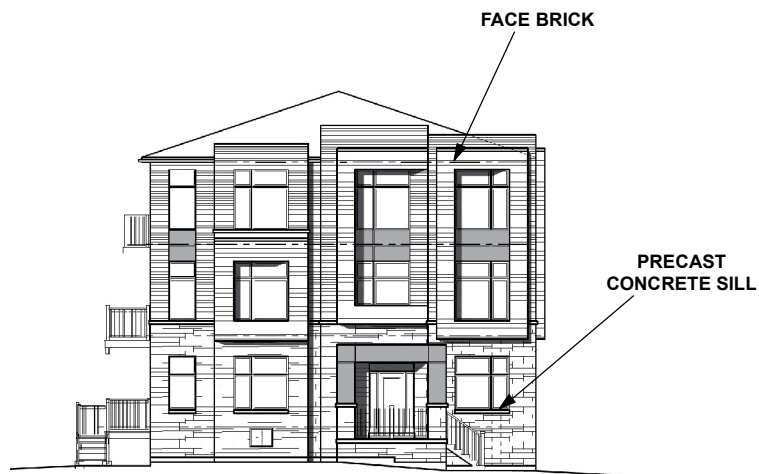
**APPLICANT:**  
Rutherford Heights Inc.



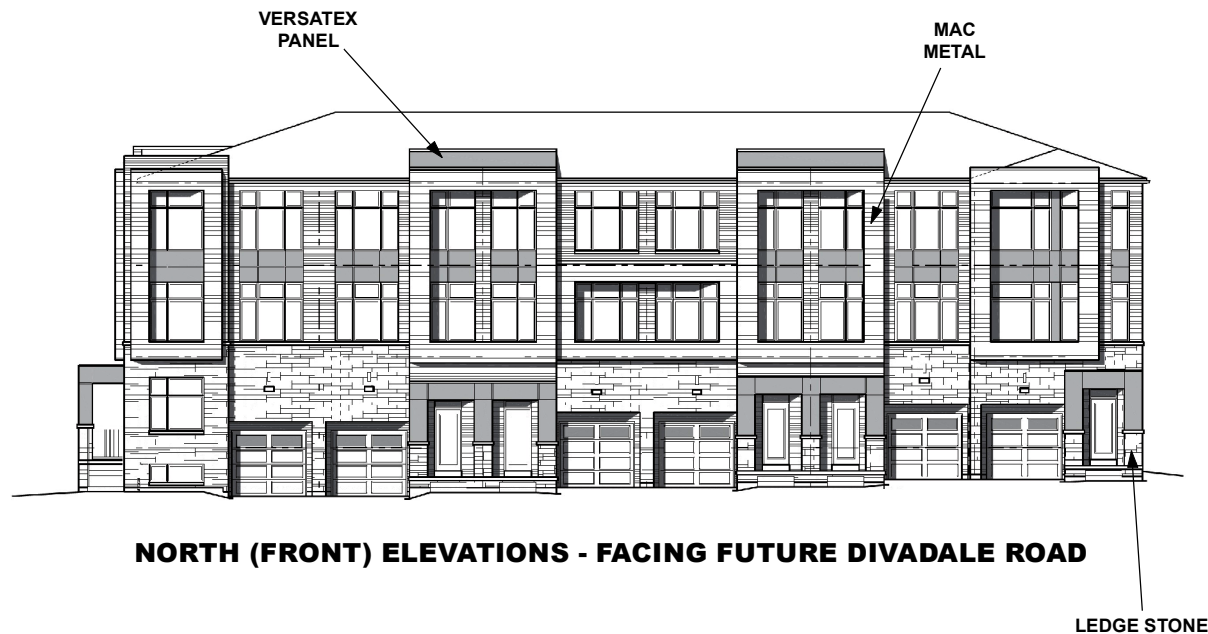
# Attachment

**FILE:** DA.21.044  
**RELATED FILES:** OP.18.019,  
Z.21.050, Z.18.031, 19T-18V012  
and 19CDM-18V004  
**DATE:** June 7, 2022

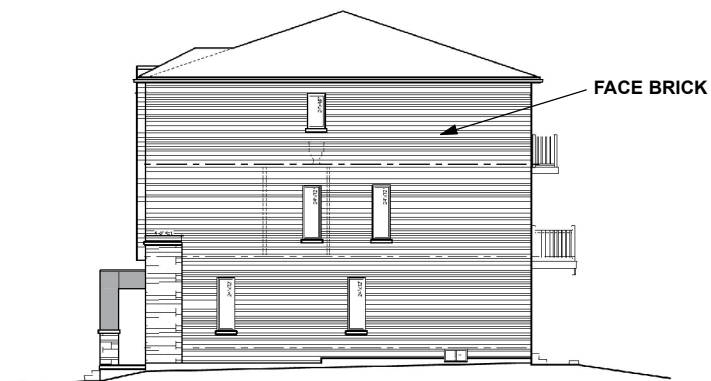
**4**



**EAST ELEVATIONS - FACING SIMMONS STREET**



**NORTH (FRONT) ELEVATIONS - FACING FUTURE DIVADALE ROAD**



**WEST ELEVATIONS**



**SOUTH (REAR) ELEVATIONS**

Not to Scale

## Typical Building Elevations - Block 1

**LOCATION:** Part of Lot 15, Concession 9;  
10, 20, 25 Di Benedetto Lane and 110 Simmons Street

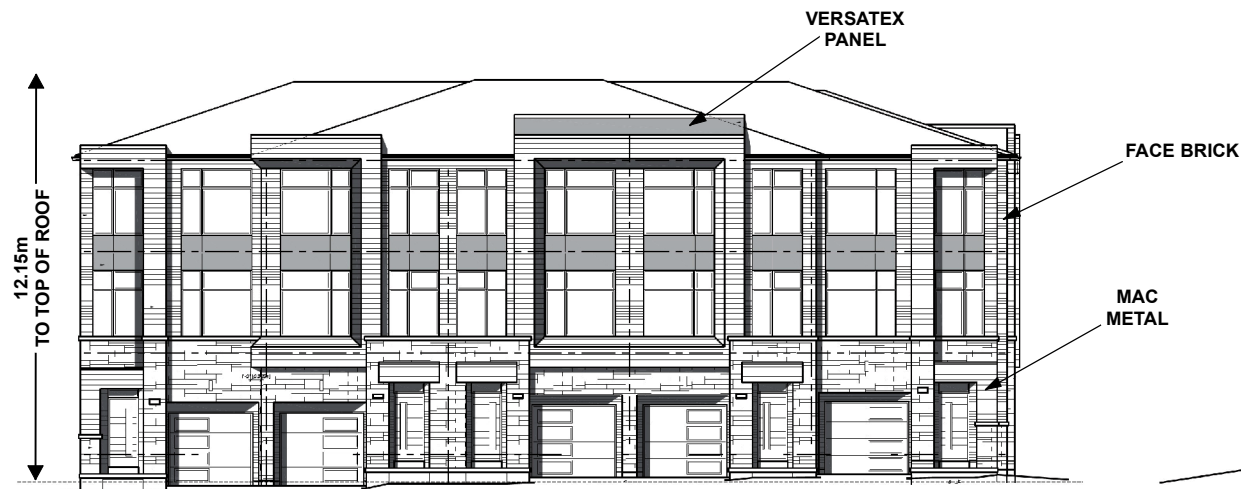
**APPLICANT:** Rutherford Heights Inc.



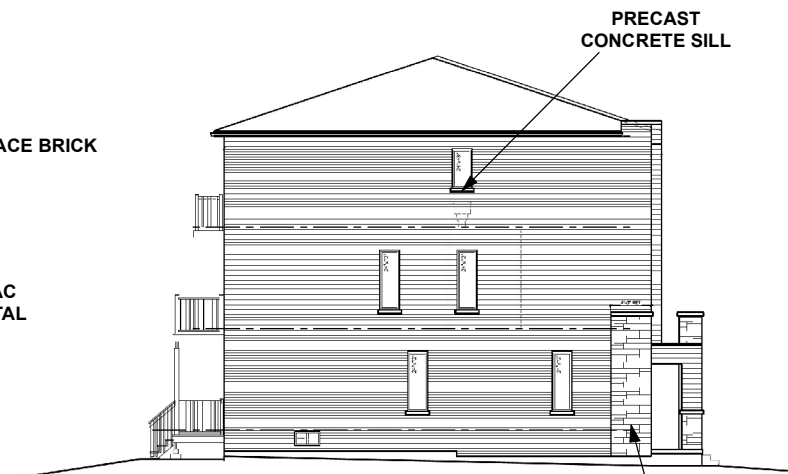
## Attachment

**FILE:** DA.21.044  
**RELATED FILES:** OP.18.019,  
Z.21.050, Z.18.031, 19T-18V012  
and 19CDM-18V004  
**DATE:** June 7, 2022

**5**



**NORTH (FRONT) ELEVATIONS - FACING FUTURE DIVADALE ROAD**



**EAST ELEVATIONS**



**SOUTH (REAR) ELEVATIONS**



**WEST ELEVATIONS - FACING AMENITY AREA**

Not to Scale

## Typical Building Elevations - Block 2

**LOCATION:** Part of Lot 15, Concession 9;  
10, 20, 25 Di Benedetto Lane and 110 Simmons Street

**APPLICANT:** Rutherford Heights Inc.



## Attachment

**FILE:** DA.21.044  
**RELATED FILES:** OP.18.019,  
Z.21.050, Z.18.031, 19T-18V012  
and 19CDM-18V004  
**DATE:** June 7, 2022

# 6