

Committee of the Whole (1) Report

DATE: Tuesday, November 22, 2022

WARD: 4

TITLE: RUTHERFORD LAND DEVELOPMENT CORP.
DRAFT PLAN OF SUBDIVISION FILE 19T-18V001
SITE DEVELOPMENT FILE DA.19.010
VICINITY OF RUTHERFORD ROAD AND JANE STREET

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Draft Plan of Subdivision File 19T-18V001 to permit a phased subdivision consisting of three (3) blocks for High-Rise Mixed-Use development, a park block, an open space block, a buffer block, the extension of Caldari Road to Rutherford Road (Street 'A'), completion of a new east-west road (Street 'B') and other road widenings, and for Site Development File DA.19.010 to facilitate the development of three (3) high-rise mixed-use buildings in Block 4 of Draft Plan of Subdivision File 19T-18V001, as shown on Attachments 4 to 10.

Report Highlights

- Draft Plan of Subdivision approval is required to create three (3) development blocks, a park block, an open space block, a buffer block, the extension of Caldari Road to Rutherford Road, completion of a new east-west road and other road widenings
- Site Development approval is required to facilitate the development of Block 4 in Draft Plan of Subdivision File 19T-18V001
- The related Official Plan Amendment and Zoning By-law Amendment for Block 4 of Draft Plan of Subdivision File 19T-18V001 have been approved by the Ontario Land Tribunal
- The Subject Lands outside of Block 4 of Draft Plan of Subdivision File 19T-18V001 are subject to a Minister's Zoning Order, approved by the province on November 6, 2020
- The Development Planning Department supports the approval of the applications, as they are consistent with the Provincial Policy Statement 2020, conforms to A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, 2019, as amended, the York Region Official Plan 2010, and the policies of the Vaughan Official Plan 2010

Recommendations

1. THAT Draft Plan of Subdivision File 19T-18V001(Rutherford Land Development Corp.) BE DRAFT APPROVED SUBJECT TO THE CONDITIONS OF DRAFT PLAN OF SUBDIVISION APPROVAL set out in Attachment 1 to create three (3) development blocks for High-Rise Mixed-Use development, a park block, an open space block, a buffer block, the extension of Caldari Road to Rutherford Road (Street 'A'), completion of a new east-west road (Street 'B') and other road widenings, and be permitted to proceed in two (2) phases, as shown on Attachment 4;
2. THAT Site Development File DA.19.010 (Rutherford Land Development Corp.) BE DRAFT APPROVED SUBJECT TO THE CONDITIONS OF SITE PLAN APPROVAL set out in Attachment 2, to the satisfaction of the Development Planning Department, to permit a high-rise residential/mixed-use development comprised of three (3) buildings, two (2) of which are 26 storeys in height and one that is 30 storeys in height, with a total of 831 residential dwelling units and a Floor Space Index of 10.4 times the area of the lot, as shown on Attachment 5;
3. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the City of Vaughan Committee of Adjustment for Site Development File DA.19.010, if required, before the second anniversary of the day on which the implementing

Zoning By-law for the subject lands came into effect, to permit minor adjustments to the implementing Zoning By-law; and

4. THAT Vaughan Council adopt the following resolution of water and sewage servicing capacity for Phase 1 of the Subject Lands:

“THAT Site Development Application DA.19.010 be allocated servicing capacity from the York Sewage Servicing/Water Supply System for a total of 831 residential apartment units (1,837 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 (‘Subject Lands’) are located at the southeast corner of Rutherford Road and Jane Street. The Subject Lands and surrounding Land Uses are shown on Attachment 3. The Subject Lands are currently occupied by a temporary sales office and are comprised of two (2) parcels of land as follows:

- a 5.8 hectare parcel owned by Rutherford Land Development Corp. (‘RLDC’) located at the southeast corner of Rutherford Road and Jane Street and municipally known as 2901 Rutherford Road
- a 2.2 hectare parcel owned by Caldari Land Development Corp. (‘CLDC’) located immediately to the south of the RLDC lands and legally described as Part of Lot 15 in Concession 4, Parts 3, 4, 9 and 10 on Registered Plan 65R-34051.
- Collectively, RLDC and CLDC are referred to as the ‘Owner’
- Articles of Amalgamation were registered on March 16, 2021 whereby RLDC and CLDC amalgamated into the corporation “Rutherford Land Development Corp.”

The Draft Plan of Subdivision File 19T-18V001 (the ‘Draft Plan’) shown on Attachment 4 applies to the entirety of the Subject Lands representing a total of approximately 8 hectares; however, Site Development File DA.19.010 (the ‘Site Plan’) applies to only Block 4 of the Draft Plan, which represents approximately 0.8 hectares of the total land area.

The majority of the Draft Plan with the exception of Block 4, is subject to a Minister’s Zoning Order (‘MZO’) issued by the Ministry of Municipal Affairs and Housing (‘MMAH’) on November 6, 2020 (Ontario Regulation 643/20), as shown on Attachment 4. The Ontario Land Tribunal (‘OLT’), formerly known as the Local Planning Appeal Tribunal (‘LPAT’), approved the site-specific Official Plan and Zoning By-law Amendments for Block 4 on December 24, 2019, the details of which are discussed later in this report.

The name 'Abeja Street' was approved by Council on June 22, 2021 for Street 'B' of the Draft Plan.

The unauthorized removal of approximately 1.02 ha of significant woodlands occurred on the Subject Lands in 2020 and 2021

When the Draft Plan application was submitted, the Subject Lands contained approximately 1.32 ha of Significant Woodlands contiguous to the West Don River tributary of the Don River Valleylands System. The Significant Woodland (the 'Woodland') is identified as Woodlands by Map 5 - Woodlands of the York Region Official Plan, 2010 ('YROP'). The Woodland is also identified as "Core Features" by Schedule 2 - Natural Heritage Network of the Vaughan Official Plan 2010 ('VOP 2010'). The "Core Features" on the Subject Lands are more specifically identified as "Unapproved", which are unapproved areas of the Natural Heritage Network that are under consideration for "Core Features" additions, deletions, or classification as an "Enhancement Area". That said, the Environmental policies in Section 3 of VOP 2010 prevail over the Schedules.

The Owner still has an active OLT appeal of VOP 2010 Schedule 2 - Natural Heritage Network, respecting the "Unapproved" portion of the Woodland located on the CLDC lands. Therefore the status of the Woodland has not been confirmed through the OLT and no decision has been made to date on the OLT appeal.

Prior to submitting the Draft Plan and Site Plan applications, the Owner submitted an Environmental Impact Study ('EIS') for the Subject Lands prepared by Azimuth Environmental, dated January 2016 in support of the official plan and zoning by-law amendment applications. An addendum to this EIS ('Addendum EIS') was prepared by Dillon Consulting on December 6, 2017 in support of the Draft Plan, which updated the EIS to include the CLDC lands (central portion of the Woodland). The Addendum EIS confirmed that a Significant Woodland and fish habitat (West Don River) is located within or adjacent to the location of the proposed development area within the Draft Plan. It was also determined that the Subject Lands contain a Significant Woodland as identified on Schedule 2 of VOP 2010. As a result of their findings, it was determined that City staff and TRCA would not support the removal of the Woodland on the Subject Lands.

Since this time, the MZO was approved which provided land use permissions to allow all of the Subject Lands to be developed including the area containing the Woodland. In order for the Owner to remove the Woodland from the Subject Lands, the appropriate technical studies as well as Woodland cash-in-lieu compensation would be required, and only granted should the Applications be approved by Council.

In January 2022, the City was notified that the central portion of the Woodland had been removed, and City staff subsequently confirmed that these removals had occurred without authorization. As such, the City notified York Region staff as the Forest Conservation By-law would be applicable since the Owner had not received final Council approval on the Applications. It was determined through aerial photography of the Subject Lands, observed over a couple of years that the removals had taken place over six months prior to when the City was notified, and therefore they were not able to prosecute, as the statute of limitations had passed pursuant to the Forest Conservation By-law.

As the City of Vaughan is the planning authority for the Subject Lands, including the Woodland portion, Policy 3.2.3.9 of VOP 2010 is in-effect and states, "That unauthorized removal or alteration of natural features or functions within areas identified as Core Features is prohibited, and will result in the features and functions being restored to their previous state at no expense to the City of Vaughan and other public agencies. In the case of a development application, the application will not proceed until restoration works have been undertaken to the satisfaction of the City and TRCA and/or York Region, as needed".

As development permissions were granted by the MZO, the City did not pursue the reforestation of the Subject Lands. However, the City requires monetary compensation for both the Woodland vegetation replacement value and the land value. This approach is supported by the TRCA, and both City staff and TRCA requested the Owner, to calculate the appropriate compensation valuation using TRCA's Guideline for Determining Ecosystem Compensation, 2018.

The Owner submitted a Valleyland Stewardship Management Plan and an Edge Management Plan, both dated March 2022 and prepared by Dillon Consulting for review by the City and the TRCA. The Valley Stewardship Management Plan identified the preservation and enhancement opportunities for the West Don River tributary and associated valley corridor within the eastern portion of the Subject Lands. The Edge Management Plan presented a plan to mitigate potential negative impacts to the new forest edge of the along the east property line of the Subject Lands resulting from new development.

The Development Planning and Policy Planning and Special Projects Departments reviewed the above-noted materials and advised that the plantings/monetary compensation proposed by the Owner was insufficient for restoration of the ecological functions lost by the removal of the Woodland on the Subject Lands. In lieu of having the Owner continue to develop and implement the above-noted plans, the City is seeking \$2 million in compensation from the Owner, which the City is satisfied is appropriate in consideration of the above. A condition to this effect is included in

Attachment 1a). The City will report details of the proposed allocation for the compensation funds to a future Committee of the Whole meeting.

The Owner also acknowledged to the City that it does not support unauthorized removal of trees.

The majority of the Subject Lands were encumbered by the Woodland, and over time this feature has been impacted. Woodland trees and individual trees were removed without authorization over the course of a number of years, with the latest significant removal occurring approximately in the year 2020 based on aerial photography of the Subject Lands.

The Owner submitted a Tree Inventory and Preservation Plan Report prepared by Kuntz Forestry Consulting Inc. dated July 14, 2022, which updated the Tree Inventory and Preservation Plan Report prepared by Kuntz Forestry Consulting Inc. dated March 30, 2016, revised May 9, 2016.

The July 14, 2022 Tree Inventory and Preservation Plan Report was updated to reflect the removal of trees from the Subject Lands, which were identified in the May 9, 2016 Tree Inventory and Preservation Plan Report.

The City is also seeking cash-in-lieu payment for the unauthorized individual tree removals that have also occurred on the Subject Lands outside of the Woodlands based on the July 14, 2022 Tree Inventory and Preservation Plan, the details of which are provided under the Development Planning section of this report.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol

The City on March 9, 2018, mailed a Notice of Public Meeting for the Draft Plan application to an extended polling area beyond 150 m, the East Woodbridge Homeowners' Association and the Weston Downs Ratepayers' Association. Notice of the Public Meeting was also sent to those individuals who had been identified as a party at OLT (formerly LPAT), hearings regarding the appeal of Official Plan Amendment No. 2 to the City of Vaughan Official Plan 2010 ('VOP 2010'), specifically the Vaughan Mills Centre Secondary Plan ('VMCSP').

A copy of the Notice of Public Meeting was also posted on the City's website at www.vaughan.ca and Notice Signs were installed on Rutherford Road and Jane Street in accordance with the City's Notice Signs Procedures and Protocols.

Vaughan Council on April 11, 2018, ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of April 4, 2018, and to forward a comprehensive technical report to a future Committee of the Whole meeting. The following Deputations were made at the Public Meeting:

Deputation

1. Mr. Michael Bissett, on behalf of the Owner
2. Mr. Maurizio Rogato, on behalf of Tesmar Holdings Inc.
3. Mr. Richard Lorello, Treelawn Boulevard, Kleinburg

Written Submissions

1. Papazian Heisey Myers, Barristers & Solicitors, on behalf of Canadian National Railway, letter dated April 3, 2018

The following is a summary of and responses to the comments provided in the deputations and written submissions submitted at the Public Meeting:

- a) There should be consideration for matters related to cost-sharing and oversizing of servicing for all landowners within the area.

Response

The recommended Conditions of Approval included in Attachment 1a) include conditions related to cost-sharing conditions specific to the abutting development applications to the south of the Subject Lands by Tesmar Holdings Inc.

- b) There is a concern regarding the removal of employment lands for residential uses.

Response

The Subject Lands outside of Block 4 of the Draft Plan, are subject to an MZO which approved zoning that facilitated the removal of employment lands for residential uses. Block 4 of the Draft Plan is designated “High-Rise Mixed-Use” by the VM CSP in Volume 2 of VOP 2010. Therefore, the Draft Plan conforms with the MZO and VOP 2010.

- c) The Subject Lands are within the noise influence area of the Canadian National Railway MacMillan Classification Yard. Concern was raised about the acoustical environment of the proposed subdivision.

Response

The OLT, in a Decision dated December 18, 2018, approved in principle, amendments to VOP 2010 and Zoning By-law 1-88 as they relate to the first phase of development (Block 4) of the Subject Lands. The OLT’s final Order was

to be withheld until the OLT was informed that the Owner and Canadian National Railway ('CN Rail') reached an agreement, and it was registered on title. The Owner and CN Rail reached an agreement on September 23, 2019, and it was registered on October 24, 2019, for the lands in Block 4. OLT issued the final Order on December 24, 2019.

A Notice of Complete Application was issued for the Draft Plan and the Site Plan

A Notice of Complete Application was issued to the Owner and to the public for the - Draft Plan on March 9, 2018 and for the Site Plan on October 25, 2022.

Previous Reports/Authority

The following are links to the Public Meeting report for the Draft Plan and the Committee of the Whole report for the related Official Plan Amendment ('OPA') and Zoning By-law Amendment ('ZBA') applications (Files OP.06.028 and Z.06.075 respectively):

Committee of the Whole (Public Meeting) report for Draft Plan of Subdivision File 19T-18V001:

[April 4, 2018 Committee of the Whole \(Public Hearing\) \(Item 1, Report No. 15\)](#)

Committee of the Whole report for related Files OP.06.028 and Z.06.075:

[June 5, 2018 Committee of the Whole \(Item 36, Report No. 21\)](#)

Communication for Committee of the Whole report for related Files OP.06.028 and Z.06.075:

[June 5, 2018 - Communication 9](#)

Council Meeting Minutes for related Files OP.06.028 and Z.06.075:

[June 19, 2018 Council Minutes](#)

The following are links to the Council meeting reports and minutes associated with requests by the Owner for an MZO and the Class 4 Noise Area designation on the Subject Lands:

Council Meeting Member's Resolution and Minutes – Request from Cortel Group on Behalf of RLDC and CLDC for an MZO to Zone 2901 Rutherford Road et al.:

[October 21, 2020 Council Member's Resolution](#)

[October 21, 2020 Council Minutes \(Item 156\)](#)

Council Meeting Minutes for Report and Communication on Class 4 Noise Area designation request from RLDC for a Class 4 Area designation:

[December 11, 2017 Council Minutes](#)

The following link is to the Minister's Zoning Order issued by the MMAH:
[November 6, 2020 Ontario Regulation 643/20](#)

Analysis and Options

Draft Plan of Subdivision and Site Development applications have been submitted to permit the development

The Owner has submitted the following applications (the 'Applications') for the Subject Lands shown on Attachment 3 to permit a phased subdivision consisting of three (3) blocks for High-Rise Mixed-Use development, a park block, an open space block, a vegetation protection zone ('environmental buffer') block, and blocks to facilitate the extension of Caldari Road to Rutherford Road (Street 'A'), completion of a new east-west road (Street 'B') and other road widenings, and to facilitate the development of three (3) high-rise mixed-use buildings in Block 4 (the 'Development'), as detailed below:

1. Draft Plan of Subdivision File 19T-18V001 to facilitate the proposed high-rise mixed-use plan of subdivision, as shown on Attachment 4, consisting of the following:

Blocks/Roads	Land Use	Area (ha)	Units
Block 4	High-Rise Mixed-Use (File DA.19.010)	0.793	831
Block 5	High-Rise Mixed-Use	1.764	
Block 19	High-Rise Mixed-Use	3.205	
Blocks 18, 20, 21	Park, Buffer, Open Space	0.821	
Block 2	Regional Right-of-Way	0.059	
Block 3	Future Road (Caldari Road extension)	0.044	
Blocks 1,6,7	Other Blocks to be Conveyed	0.162	
Block 8	Road Widening (Jane Street)	0.077	
Blocks 9 to 17	0.3 m Reserves	0.015	
Roads	Street 'A' and Street 'B'	0.951	
Total		7.891 ha	831

To advance certain parts of the development, the Draft Plan will be phased as follows:

Phase 1 – lands outside of the MZO and public roads

To facilitate the creation of Block 4 for the high-rise mixed-use development subject to Site Development File DA.19.010, the creation of Block 18 for the public park, Block 20 for the environmental buffer, and Block 21 for the open space, the creation of Block 3 for a portion of the Caldari Road extension, the proposed public roads Street 'A' and Street 'B', and other road widenings (Blocks 1, 2, 6, 7 and 8), as shown on Attachment 4. Since Block 4 is outside of the MZO, it is not subject to the recommendations (i.e. conditions) Council included as part of their approval of the MZO request, and therefore

the registration of this block can proceed ahead the balance of the Subject Lands (i.e. Phase 2) subject to the MZO recommendations which are described in further detail in the MZO section of this report. Although the park (Block 18), environmental buffer (Block 20), open space (Block 21), streets and road widening/extension blocks are within the lands subject to the MZO, they are included in Phase 1 as they are not developable lands and are required in order to facilitate the creation/completion of public roads and to secure a public park block on the Subject Lands, which will be conveyed to the City.

Phase 2 (and additional phases as required) – lands subject to the MZO

To facilitate the creation of Blocks 5 and 19 for High-Rise Mixed-Use developments, as shown on Attachment 4.

2. Site Development File DA.19.010 to facilitate the development of Block 4 in the Draft Plan, for three (3) High-Rise Mixed-Use buildings containing 831 residential units with heights of 26 storeys (Tower 'A1'), 26 storeys (Tower 'A2') and 30 storeys (Tower 'A3'), as shown on Attachments 5 to 10.

The Applications are consistent with the Provincial Policy Statement, 2020

In accordance with Section 3 of the *Planning Act*, 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. Key policy objectives include: building strong, healthy communities, the wise use and management of resources, providing a range and mix of housing types and protecting public health and safety. These policies support the goal of enhancing the quality of life for all Ontarians.

Consistency with the PPS for Block 4 of the Draft Plan was established through the OLT's consideration of the appeal when the OLT rendered its decision on the related OPA and ZBA applications. The remainder of the Subject Lands within the Draft Plan are subject to an MZO, issued through Ontario Regulation 643/20 which was made under the *Planning Act*. Accordingly, in consideration of the MZO, the Applications are consistent with the policies of the PPS, particularly:

- Section 1.1.1 regarding healthy, livable, and safe communities
- Section 1.1.3 regarding settlement areas being the focus of development based on densities and efficient land use, and
- Section 1.4.3 regarding planning authorities providing for an appropriate range and mix of housing types.

The Subject Lands are located within a Settlement Area as defined by the PPS. The Applications will contribute to providing growth within a defined Settlement Area with densities that promote efficient land uses (Section 1.1.3). The Applications also contribute to an appropriate range and mix of housing types. On this basis, the Applications are consistent with the PPS.

The Applications conform 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 ('Growth Plan') is intended to guide decision making on the development of land by encouraging compact built form, transit supportive communities, and diverse land uses.

Conformity with the Growth Plan for Block 4 of the Draft Plan was established through the OLT's consideration of the appeal when the OLT rendered its decision on the related OPA and ZBA applications. The remainder of the Subject Lands within the Draft Plan are subject to an MZO. Accordingly, the Applications are consistent with the policy framework of the Growth Plan, as it will facilitate a future built form that utilizes the Subject Lands more efficiently, makes use of the existing infrastructure, and contributes to the achievement of a complete community. The Subject Lands are designated and zoned through the VM CSP and MZO for housing at densities supportive of the Growth Plan objectives, specifically Section 2.2.1 which requires that growth be directed to settlement areas having existing or planned municipal water and wastewater systems. On this basis the Applications conform to the Growth Plan, as amended.

The Applications conform to the York Region Official Plan 2010

The York Regional Official Plan 2010 ('YROP 2010') 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 2010 which permits a wide range of residential, commercial, industrial, and institutional uses.

Conformity with the YROP for Block 4 of the Draft Plan was established through the OLTs consideration of the appeal when the OLT rendered its decision on the related OPA and ZBA applications. The remainder of the Subject Lands within the Draft Plan are subject to an MZO. Accordingly, the Development conforms to Section 3.5.4 of the YROP 2010 requiring "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." The Applications also conform to Section 5.4.5 which requires consideration of development that is in a compact urban form, oriented to the street, pedestrian and cyclist-friendly, and transit supportive. On this basis, the Applications conform to the YROP.

York Region has no objection to the Applications, subject to Conditions in Attachment 1b).

The Development conforms to the site-specific VOP 2010 policies, as amended by the OLT

The Development proposed for Block 4 of the Draft Plan and subject to Site Development File DA.19.010, is identified as an area subject to a Secondary Plan on Schedule 13 – Land Use of VOP 2010, being the VMCSPP – Section 11.7 in Volume 2 of VOP 2010. Block 4 is designated “High-Rise Mixed-Use” within the VMCSPP area and the VMCSPP is further identified as a “Primary Centre” by VOP 2010. Section 2 of VOP 2010 includes policies related to Managing Growth. These policies establish a hierarchy of Intensification Areas ranging in density and building height.

Primary Centres are identified as locations for intensification accommodated in the form of predominantly mixed-use high and mid-rise buildings, developed at a density supportive of transit. Intensification Areas are the primary locations for the accommodation of growth and the greatest mix of uses, building heights and densities in accordance with the prescribed urban structure hierarchy established in VOP 2010.

Conformity with the VMCSPP for Block 4 (Phase 1) was established through the OLT’s consideration of the appeal when the OLT rendered its decision on the applications for OPA File OP.06.028 and ZBA File Z.06.075. These OPA and ZBA applications were previously also applicable to the balance of the lands owned by RLDC, which are now subject to an MZO. This is further explained in the MZO section of this report. CLDC (not subject to the above OPA and ZBA) also appealed VOP 2010, Schedule 2 - Natural Heritage Network as it applies to their lands to the OLT. CLDC’s lands are also now subject to an MZO.

The OLT on January 25, 2018 in an Oral Decision approved, in principle, the VMCSPP as it applies to the RLDC lands, thereby designating the RLDC lands “High-Rise Mixed-Use”, “Neighbourhood Park”, and “Green Buffer Area”, subject to specific conditions, including, but not limited to, the following:

- a maximum of 985 units is permitted in the first phase of development (i.e Block 4 of the Draft Plan)
- requirements for the extension of Caldari Road from Riverrock Gate to Rutherford Road

The OLT on June 14, 2018, Issued a Memorandum for the January 25, 2018 Oral Decision and Order of the OLT.

The OLT on June 21, 2018, considered a motion brought forward by the Owner related to the OPA and ZBA applications for the first phase of development (i.e. Block 4 of the Draft Plan).

The OLT in a Decision dated December 18, 2018, approved, in principle, the OPA and ZBA as they relate to the first phase of development. The OLT issued the Final Order on December 24, 2019. Site-specific Official Plan policies permit increases in height and density subject to the application of a Density Bonusing Agreement pursuant to Section 37 of the *Planning Act* for Block 4.

The OLT also allowed the Owner to maintain their appeals of the site-specific OPA and ZBA applications as they relate to the balance of the RLDC lands, outside of Block 4. However, since that time, the remainder RLDC lands together with the CLDC lands are now subject to an MZO, and therefore no longer require the approval of the OPA and ZBA applications by the OLT to permit the land uses required to facilitate the approval of the Draft Plan and the future Site Development Applications for each of the Draft Plan blocks.

The site-specific Zoning By-law for the Development has a Holding Symbol “(H)”

The Development proposed for Block 4 of the Draft Plan and subject to Site Development File DA.19.010 is zoned “RA3 (H) Apartment Residential Zone” with the Holding Symbol “(H)”, subject to site-specific Exception 9(1488) by Zoning By-law 1-88, as approved by the OLT.

A By-law to remove the Holding Symbol “(H)” from Block 4 or any portion thereof, shall not be enacted until the following conditions are satisfied:

- i. The Owner successfully obtain approval of Draft Plan of Subdivision File 19T-18V001, or phase thereof, from Vaughan Council or the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal)
- ii. Water and sewer servicing capacity being identified and allocated by the City of Vaughan
- iii. The City of Vaughan shall be in receipt of confirmation of a Ministry of Environment and Climate Change Acknowledgement/Registration of the Record of Site Condition
- iv. The submission of an Environmental Noise Impact Study and an Environmental Vibration Report, prepared in consultation with the operators of the “Rail Yard” and the “Existing Industrial Lands”, to the satisfaction of the City of Vaughan. For the purposes of this Zoning By-law a “Rail Yard” is defined as the McMillan Rail Yard and the “Existing Industrial Lands” are defined as the Maple Stamping Plant
- v. The provision and/or securing of any required noise mitigation and control measures at the Owner’s expense as the City of Vaughan may require
- vi. If necessary, the execution of agreements satisfactory to the City of Vaughan between the Owner and owner(s) of neighbouring lands containing stationary

noise sources to secure any noise mitigation measures which may be required on these neighbouring lands, as the City may require

- vii. The Owner successfully obtaining the approval of a Site Development Application from Vaughan Council or the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal) for the Development
- viii. The execution of a Site Plan Agreement, or other such agreement, satisfactory to the City of Vaughan to be registered on title which obligates the Owner to include in all Offers of Purchase and Sale, warning clauses for the Subject Lands and to provide notice of the Class 4 Area classification to prospective purchasers of residential units on the Subject Lands to the satisfaction of the City
- ix. The Owner successfully obtaining a resolution passed by Vaughan Council classifying the Subject Lands as a Class 4 Area
- x. A Subdivision Agreement and any other necessary agreement(s), has been executed and registered with respect to the Subject Lands securing the conveyance and construction of the public streets, including the completion of the extension of Caldari Road to Rutherford Road, the completion of Street B, and the widening of Jane Street; the payment of cash-in-lieu of parkland, or provision of parkland, in accordance with Section 42 of the *Planning Act*; cost sharing; and, the installation of the necessary municipal service and utilities, to the satisfaction of the City, and
- xi. An agreement pursuant to Section 37 of the *Planning Act* has been executed and registered, providing for the contribution equivalent of \$4.1 million with respect to the increase in building height and density for the Development of the Subject Lands, consisting of the payment of money, or the provision of facilities, services, or other matters or combination thereof, to the satisfaction of the City of Vaughan. Payment of the Section 37 amount shall be pro-rated based upon the percentage of the approved number of units and payable prior to the issuance of the first Building Permit for any above grade structure(s) (other than the temporary sales office).

The Owner has submitted a Zoning By-law Amendment Application File Z.22.034 to remove the Holding Symbol “(H)” from Block 4, for Council approval. The Owner must demonstrate to the City’s satisfaction that the above conditions have been addressed. Until such time that the Holding Symbol “(H)” is removed, the zoning is not considered to be in place for the purpose of obtaining a building permit.

A Minor Variance Application is required for the Development

Through the review of Site Development File DA.19.010 for Block 4 of the Draft Plan, the following exceptions to Zoning By-law 1-88, as amended, will be required through a Minor Variance application to permit the Development in Block 4 of the Draft Plan:

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to RA3 Residential Apartment Zone
a.	Maximum Gross Floor Area ('GFA') of Non-residential Uses (Commercial/ Institutional) on the Ground Floor	1,800 m ²	452 m ² of non-residential uses shall be permitted on the second (2 nd) floor
b.	Minimum Parking Requirements	<u>Residential</u> 0.85 spaces/1 bedroom or Bachelor unit x 469 units + 0.95 spaces/2 bedroom unit x 319 units + 1.15 spaces/3 or more bedroom unit x 43 units = 753 parking spaces <u>Visitor</u> 0.2 spaces/unit x 831 units = 167 parking spaces <u>Non-residential (Commercial)</u> 969.4 m ² x 3 spaces/100 m ² of GFA = 30 parking spaces <u>Non-residential (Institutional)</u> 497 m ² x 3 spaces/100 m ² of GFA = 15 parking spaces Total Parking Required = 965 parking spaces	<u>Residential</u> 0.85 spaces/1 bedroom or Bachelor unit x 469 units + 0.95 spaces/2 bedroom unit x 319 units + 1.15 spaces/3 or more bedroom unit x 43 units = 753 parking spaces <u>Visitor</u> 0.129 spaces/unit x 831 units = 110 parking spaces <u>Non-residential (Commercial)</u> 969.4 m ² x 3 spaces/100 m ² of GFA = 30 parking spaces <u>Non-residential (Institutional)</u> 497 m ² x 3 spaces/100 m ² of GFA = 15 parking spaces Total Parking Provided = 908 parking spaces*
c.	Minimum Landscape Strip Width Along a Lot Line that Abuts a Street Line	1.5 metres	0 m

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to RA3 Residential Apartment Zone
d.	Minimum Setback from the Streetline to the First Two Storeys of any Building Above Finished Grade	3 metres	2.9 m (west side)
e.	Minimum Front Yard Setback for All Storeys Above the First Two Storeys	7.5 m	1.5 m
f.	Minimum Exterior Side Yard for All Storeys Above the First Two Storeys	7.5 m	1.31 m (west side) 1.89 m (east side)

* Note: If relief is obtained for 907 parking spaces through a Minor Variance Application, the Minimum Number of Accessible Parking Spaces provided must comply. The required minimum number of accessible parking spaces cannot be varied from.

There is a provision in site-specific Exception 9(1488) of Zoning By-law 1-88 that permits the parking spaces for Residential Visitors, Commercial and Institutional Uses to be shared and not be individually designated. Therefore, the Development Planning Department can support the reduction in Residential Visitor parking requirements, as it permits residential visitors to use spaces that are also used for the commercial and institutional uses, which both meet the parking requirements, subject to any additional requirements identified by Transportation Engineering staff through the Minor Variance application process. The remaining variances that are required to implement the Development maintain the general intent of the Official Plan and Zoning By-law, are minor in nature, and desirable for the appropriate development of the lands. As such, the Development Planning Department has no objections to the requested variances.

The Owner will be required to successfully obtain approval of a Minor Variance application for the above-noted site-specific zoning exceptions from the Vaughan Committee of Adjustment, and the Committee's decision must be final and binding. The Owner shall satisfy any conditions imposed by the Committee of Adjustment prior to the execution of the implementing Site Plan Agreement, should the Site Plan be approved. A condition to this effect is included in Attachment 2.

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.

The Site Plan application is determined to be transitioned in accordance with Subsection 1.6.3 of Zoning By-law 001-2021, and therefore the Development in Block 4 of the Draft Plan is subject to Zoning By-law 1-88, as amended, only.

The Owner has appealed By-law 001-2021 to the OLT pursuant to section 34(19) of the *Planning Act*, R.S.O. 1990, c. P 13 on a site-specific basis as it relates to Block 4 of the Draft Plan, as this block has a site-specific zoning by-law amendment to Zoning By-law 1-88 approved by the OLT, which has not been appropriately carried forward or reflected in By-law 001-2021.

The balance of the Subject Lands is subject to an MZO which has been appropriately recognized in By-law 001-2021 and is therefore excluded from this appeal.

An MZO applies to the balance of the lands in the Draft Plan

Vaughan Council on October 21, 2020 adopted a resolution based on the request of the Owner in a letter dated October 13, 2020, to enact an MZO for the balance of the Subject Lands outside of Block 4 of the Draft Plan, as shown on Attachment 4. As part of the adopted resolution regarding the request for the MZO, Council recommended a number of conditions respecting matters such as providing affordable housing units, particularly in earlier phases of the project; designating the portions of the Subject Lands (i.e. the CLDC lands) that do not currently have a Class 4 Noise Area designation, as Class 4 pursuant to Environmental Noise Guidelines NPC 300 of the Ministry of Environment, Conservation and Parks; protection and preservation of natural features on the Subject Lands including the remaining woodlot; finalizing the location of a park within the Subject Lands and/or providing cash-in-lieu of parkland; and that the Owner withdraw its outstanding OLT appeals for the balance of the RLDC and CLDC lands. To date, the OLT appeals remain open.

As part of these recommendations, Council also directed City staff to work with the Owners and the MMAH to prepare an MZO with appropriate conditions that is consistent with these recommendations and that should any recommendation of Council not be included in the MZO, then the City Manager may enter into any agreement(s) (i.e. an "MZO Agreement"), as may be required, on behalf of the City of Vaughan, with RLDC and/or CLDC and such other persons as appropriate, to implement and enforce the recommendation(s), in a form satisfactory to the City Solicitor.

In accordance with this recommendation, a draft MZO was prepared with these recommendations and was forwarded to the Minister of Municipal Affairs and Housing together with Council's resolution as a statement of Council's direction and requests.

The Minister of Municipal Affairs and Housing on November 6, 2020, issued an MZO through Ontario Regulation 643/20 for the balance of the lands outside of Block 4, which did not include the recommendations of Council. Therefore, an MZO Agreement, at the discretion of Council, will be required between the City and the Owner to ensure that the recommendations are fulfilled by the Owner. To date this MZO Agreement has not been finalized. However, several of the conditions requested by Council have been addressed through the conditions of Draft Plan approval in Attachment 1 a), including condition as it relates to the withdrawal of the OLT appeals.

The MZO effectively zones the entirety of these lands the equivalent of the "RA3 Apartment Residential Zone" of Zoning By-law 1-88, with additional exceptions to this zone, including but not limited to: increasing the maximum building height of 30 storeys, permitting a maximum floor space index of 8.5 times the area of the lot, and placing no limits on the maximum number of dwelling units or the maximum gross floor area permitted.

The balance of the RLDC lands were previously zoned "EM1 Prestige Employment Area Zone" subject to site-specific Exception 9 (1170) by Zoning By-law 1-88 and permitted employment uses. The CLDC lands were previously zoned "EM2 General Employment", subject to site-specific Exception 9(1032) by Zoning By-law 1-88, which permitted employment uses.

The Planning Act enables a municipality to pass a resolution to permit the Owner to apply for a future Minor Variance application(s), if required, within 2 years of a Zoning By-law coming into full force and effect

Policy 45(1.3) of the *Planning Act* restricts an Owner from applying for a Minor Variance application(s) to the Vaughan Committee of Adjustment before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect. However, the *Planning Act* also enables Council to pass a resolution to allow an Owner to apply for a Minor Variance Application(s) to permit minor adjustments to the implementing Zoning By-law, prior to the two-year moratorium.

The Development Planning Department has included a Recommendation to permit the Owner to apply for a Minor Variance application(s) to address refinements to the Development that may arise through the final design and construction process. A condition to this effect is included in the Recommendations of this report.

A Draft Plan of Condominium Application will be required for the Development

Should the Applications be approved, the Owner shall be required to submit a Draft Plan of Condominium Application and receive approval from Council, to establish the condominium tenure for the Development subject to Site Development File DA.19.010.

Site Development Applications will be required to facilitate the future development of the Draft Plan blocks

Should the applications be approved, the Owner will be required to submit Site Development Application(s) to facilitate the future development of the balance of the High-Rise Mixed-Use blocks (Blocks 5 and 19) identified on the Draft Plan shown on Attachment 4.

A Community Benefits Charge pursuant to Section 37 of the Planning Act is applicable to the balance of the Draft Plan outside of Block 4

On September 14, 2022, Council enacted By-law 201-2022 as the new Community Benefits Charge ('CBC') By-law, which authorizes community benefits charges to be imposed against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment.

The CBC By-law effectively replaces how and when community benefits were collected under the previous Section 37 of the *Planning Act*. As a result of the MZO, the previous in-effect Section 37 provisions were not applied to the balance of the development blocks in Draft Plan, outside of Block 4; however, in light of the recent changes to Section 37 of the *Planning Act* and the new in-effect CBC By-law, the balance of the lands in the Draft Plan outside of Block 4 may be subject to the requirements of the CBC By-law.

As such, the Owner is advised that prior to the issuance of a Building Permit, the Owner shall pay to the City of Vaughan by way of certified cheque a community benefits charge equivalent to 4% of the value of the subject lands in accordance with Section 37 of the *Planning Act* and the City's CBC By-law. The Owner shall submit an appraisal of the Subject Lands, pursuant to City's CBC By-law, prepared by an accredited appraiser for approval by the Vaughan Real Estate Department, and the approved appraisal shall form the basis of the calculation of the community benefits charge payment.

The Development Planning Department has no objection to the Applications, subject to the Owner satisfying the Conditions of Draft Plan and Site Plan Approval in Attachments 1 and 2, respectively

Subdivision Design

The Draft Plan shown on Attachment 4, consists of three (3) blocks for High-Rise Mixed-Use development, a park block, a buffer block, an open space block, the

extension of Caldari Road to Rutherford Road (Street 'A'), completion of a new east-west road (Street 'B') from Jane Street, and other road widenings.

The Draft Plan will be phased to facilitate the registration of the Phase 1 lands, as shown on Attachment 4, in advance of the registration of the balance of the blocks in the Draft Plan, which are subject to an MZO. The Owner has not yet fulfilled its obligations as outlined in the Member's Resolution for the MZO adopted by Council. As such, the City is not in a position to move forward with the final approval for the registration of the Draft Plan outside of the Phase 1 lands until it is satisfied that the Owner has fulfilled its obligations as requested by Council. A condition to this effect is included in Attachment 1.

The Urban Design Division ('Urban Design staff') of the Development Planning Department has reviewed the Draft Plan and provided comments requesting the submission of an updated detailed tree preservation study, an updated Urban Design Brief, an updated detailed Edge Management Plan study, and a soils report for all street tree pits and planting beds throughout the Draft Plan, to the satisfaction of the City. Prior to the landscape plan review, Urban Design staff also requires the Landscape Plan Review fee to be paid by the Owner in accordance with the City's Tariff of Fees By-law. The Development Planning Department is satisfied with the Draft Plan, subject to the Conditions of Approval in Attachment 1a) of this report.

Cash-in-Lieu for Private Tree Removals

Urban Design staff have reviewed the Tree Inventory and Preservation Plan Report dated July 26, 2022, prepared by Kuntz Forestry Consulting Inc. related to the above-mentioned site. However, the updated report does not provide any information regarding the trees that have already been removed from the site, therefore Urban Design staff has relied on the original report submitted by Kuntz Forestry Consulting Inc. dated March 30, 2016, revised May 9, 2016 (Project P1198) to calculate the tree compensation for individual private trees.

It is noted that Urban Design staff cannot support any additional tree removals, specifically as they do not have any conflict with the proposed development and that from an urban design perspective, removal of the remaining Woodland trees is not justified to accommodate for the proposed public park (Block 18).

In the original arborist report submitted (dated March 2016), tree grouping 'PD' and trees #1 to #14 are considered private trees (not part of the removed Woodland trees) and are calculated based on the tally information provided for tree grouping 'PD' on page 8 of the noted report. The total tree compensation requirement for the trees noted above is equal to 64 trees. Cash-in-lieu compensation for the above noted trees at \$550 x 64 = \$35,200 would be required. A condition to this effect is included in Attachment 1

a). The size classification for the tree grouping 'PD' does not match the City's Tree Protection Protocol. If further information regarding these trees can be provided, the calculations above can be adjusted.

Tree grouping 'PD' was removed to accommodate for the construction of Riverrock Road. Urban Forestry has not confirmed that monetary compensation has been calculated for the removal of the above noted tree grouping.

Site Plan and Building Elevations

The Development shown on Attachments 5 to 10 consists of three (3) high-rise residential buildings on a shared mixed-use podium, located in Block 4 of the Draft Plan. Towers 'A1' and 'A2' are 26-storeys each in height and Tower 'A3' is 30-storeys in height, not including the mechanical penthouses, and are situated on a shared 4-storey podium for the majority of the Development except for the north side of Building 'A2' where the podium is 2-storeys in height and steps up to 6-storeys in height. Outdoor amenity space is proposed atop the portion of the 5-storey podiums between the three towers, and outdoor terraces are proposed on the stepped portion of the podium.

The west elevation of the podium along the Jane Street frontage as shown on Attachment 7, contains approximately 970 m² of commercial (retail) space on the ground floor. There is also an indoor community space approximately 452 m² in area on the second floor accessed from a lobby approximately 45 m² in area located on the ground floor. This space is being considered for public use by the City for community programming. The City is working with the Owner to find a suitable user for this community space and discussions with relevant stakeholders are currently underway to consider the ownership/lease, viability, operation, programming, maintenance, access and easement requirements, in the interest of facilitating the approval of the Site Plan. A condition to this effect is included in Attachment 2.

A 2,668 m² Privately-Owned Publicly Accessible Space ('POPS') is proposed to be located along the north side of the Development and includes the second level public courtyard located in the central open area of the Development, as shown on Attachments 5 and 6. The POPS contains a playground, a plaza/flex space that contains water jets, a fitness area, and multiple seating areas consisting of benches and tables and chairs. The community space can also be accessed from the POPS.

There may be an opportunity to apply a portion of the monetary contribution collected through the Section 37 Density Bonus Agreement towards the community space and enhancements to the POPS, among other community improvements under consideration in the vicinity of the Subject Lands. This will be explored further through discussions and negotiations with various City stakeholders.

A 2 m wide sidewalk is provided on the east side of the Development along the Street 'A' frontage, on the south side of the Development along the Street 'B' (Abeja Street) frontage and on the west side of the Development along the Jane Street frontage.

The entrances to the underground parking garage and to the loading area are accessed from Street 'B' (Abeja Street). The Development is served by four (4) levels of underground parking and additional level of parking provided within the ground floor of the Development, containing 908 parking spaces including accessible (barrier-free) parking spaces.

Urban Design staff has provided comments requesting minor revisions to the site plan and elevation drawings, signage locations and details, and wind mitigation measures. The Owner shall address any outstanding comments to the satisfaction of the Development Planning Department. A condition to this effect is included in Attachment 2.

Landscape Plan

The Landscape Plan is shown on Attachment 6. Urban Design staff satisfied with the landscape plan subject to the Owner making the following changes:

- the sidewalk and the bike lane need to be separated by the planting area, and the boulevard's cross section shall be revised to provide an unencumbered tree planting zone
- the signage for the POPS and its details should be integrated into the landscape package. POPS must have visible identification signage on all access points from the public right-of-ways
- the ground sign at the Jane Street frontage shall be realigned to face the sidewalk and preferably move it close to the airshaft to visually screen the airshaft, which is close to the sidewalk, and to remove additional obstruction to the sight lines to the POPS.
- well drained snow storage areas should be located away from public right-of-ways and major sight lines. If providing such locations on site is not possible, then the snow should be removed off-site.
- as per the findings of the wind study, depending on the wind conditions the proposed water jets at both locations may need to be relocated or other uses must be considered that can effectively contribute to the public space
- a coordinated design between the private land and the boulevard along Street 'B'
- details for the windscreens proposed along Jane Street shall be provided
- Please provide a key plan, depicting the exact boundaries of the POPS, the City's right-of-way, the regional right-of-way and a corresponding landscape cost estimate.

- include the total area of the POPS as well as the ramp/stair and the elevated POPS section for Section 37 calculations.

The Urban Design staff have also provided comments requesting minor revisions to the landscape cost estimate. The Owner shall address all comments to the satisfaction of the Development Planning Department. A condition to this effect is included in Attachment 2.

Sustainability Performance Metrics

The Owner has submitted a Sustainability Performance Metrics ('SPM') scoring tool and summary letter for the Draft Plan and Site Plan applications, achieving a score of 39 out of 103 (38%) and 50 out of 155 (32%) respectively. The Owner must address the minor redline comments provided to the satisfaction of the Development Planning Department and submit an updated SPM scoring tool and summary letter for both the Draft Plan and Site Plan Applications. The revised SPM scoring tool and cover letter must be submitted to demonstrate how the Draft Plan and Site Plan application achieves the minimum SPM Bronze Level score of 21 points for Draft Plan of Subdivision applications and 31 points for Site Development applications. A condition to this effect is included in the Conditions of Approval in Attachments 1a) and 2.

The Vaughan Design Review Panel supports the Development

The Design Review Panel ('DRP') has reviewed the Development at two stages. The first stage took place at the Official Plan and Zoning By-Law Amendment applications stage held on October 31, 2013, for the overall masterplan, which corresponds to the same land area as the Subject Lands, but with a significantly larger public park contemplated than what is currently proposed by the Draft Plan. The second stage took place at the Pre-Application Consultation stage for Block 4 of the Draft Plan on November 29, 2018, and provided the following comments:

1st stage

At the first round, the DRP commented on the following:

- activating the Rutherford Road and Jane Street frontage and the Development's interface with the public realm.
- Being mindful of the microclimates and shadow impact of the towers on the courtyards and parkland.
- the importance of the phasing plan with reference to the critical mass to support retail.
- Providing better connection of the adjacent natural open space to the development's access points, street network, and open space network.

With regards to the internal courtyard as POPS, the DRP commented on the following:

- the success of the proposed courtyards as public urban space depends on their accessibility and visibility.
- The panel expressed concern about the low level of pedestrian permeability into the courtyards which starts to suggest the privatization of open space.
- It was advised that public access into the courtyards be increased by reducing their elevation/ height relative to the surrounding streets and by providing more entry points to them from the street network.

The applicant has responded to 1st round DRP comments by:

- proposing retail along the Jane Street frontage and proposing live-work units along the new proposed public road at south boundary and the extension of Caldari Road.
- Also, the footprint of the towers has been reduced to 750 m² to reduce the shadow impact on the central POPS and adjacent park land.
- Furthermore, public mid-block pathways have been provided from Jane Street to the extension of the Caldari Road to increase connectivity.
- While more entrances to the POPS was not provided, the north access was expanded and includes both an accessible ramp and stairs.

2nd stage

At the 2nd stage, DRP requested the following:

- clarification on the key information about the location of the public park; so that development can be designed accordingly. It was noted that if there is no park as part of this development, then the open space/POPS should be located at grade.
- Panel requested for the details of the POPS functionality, public access, and usable spaces.
- Panel recommended that the podium to the south and east be reduced in height to further improve access to direct sunlight within the POPS.
- DRP expressed concerns about potential wind issues and encouraged the applicant to resolve microclimate conditions to the greatest extent possible to provide a comfortable environment for pedestrians.

While the applicant did not provide the POPS at grade due to the constraints of the site and parking requirement, the applicant has responded to the DRP's comments by:

- Lowering the podium height and providing internal step backs at the podiums around the internal POPS area to reduce the shadow impacts.
- Applicant is working closely with staff to further evaluate wind impact and resolving microclimate issues by providing an extensive wind tunnel model analysis for further mitigation measures.

The Development Planning Department is satisfied that the Owner has addressed the comments of the DRP, subject to the Recommendations in this report.

The Cultural Heritage Division of the Development Planning Department has no archaeological concerns, subject to the Conditions of Approval

The Subject Lands have been cleared of any built heritage or archaeological potential; however, should any archaeological resources or human remains be located during construction, standard warning clauses are included in the Conditions of Approval in Attachments 1a) and 2.

The Policy Planning and Special Programs ('PPSP') Department requires the Owner to address the Draft Plan Conditions of Approval

The Environmental Planning division of the Policy Planning and Special Programs ('PPSP') Department has reviewed the Site Plan application and has no objection subject to the Owner addressing the SPM comments provided earlier in this report. The Owner will also be required to address the SPM comments for the Draft Plan. A condition to this effect has been included in both Attachment 1a) and Attachment 2.

There is a portion of the Woodland that has not been removed on the Subject Lands within Block 21 of the Draft Plan, which PPSP staff is supportive of retaining on the landscape. The development limits of the Subject Lands have been determined based on the staked and surveyed dripline of the Woodland edge plus a 10 m vegetation protection zone ('VPZ') applied from this dripline. The dripline represents the most conservative line in determining development limits. This VPZ together with the Woodland are identified as separate blocks (Blocks 20 and 21) in the Draft Plan shown on Attachment 4. Blocks 20 and 21 shall be conveyed into public ownership in accordance with policy 3.2.3.10 of VOP 2010.

Through negotiations between the Owner and the Deputy City Manager for Planning and Growth Management, it was determined that \$2 million was an appropriate amount of compensation to be paid to the City for the removal of trees in the Woodland. These funds shall be deposited into the City's Natural Heritage Reserve account managed by the PPSP Department for future Woodland restorations and/or land acquisition for the purpose of Woodland restoration.

The Owner shall also submit a revised Valley Stewardship Management Plan ('VSMP') and implement the recommendations of the revised VSMP to the satisfaction of the City and the TRCA. The funds to implement the VSMP is outside of the Woodland replacement compensation. The PPSP Department defers the approval of the Edge Management Plan/Restoration Plan to the TRCA and Urban Design staff.

The Owner shall address the Conditions of Approval in Attachment 1a).

The Development Engineering ('DE') Department has no objection to the approval of the Applications, subject to the comments in this report and Conditions of Approval

The DE Department has reviewed the Applications and provides the following comments:

The OLT and Minutes of Settlement

As part of the January 25, 2018 OLT hearing, discussed earlier in this report, Minutes of Settlement ('MOS') were reached and executed between the Owner, the adjacent landowners - Tesmar Holdings Inc., Magna International Inc., Granite Real Estate Investment Trust, Granite Reit Inc., 805062 Ontario Limited, and the City of Vaughan, and filed with the OLT. The MOS set out a number of conditions of development that must be satisfied by all parties. Therefore, the Owner will be required to fulfill its obligations as agreed in the MOS, including the following items:

- Conveyance of lands to facilitate widening of private driveway on the Granite Real Estate Investment Trust lands (MOS Item No. 45)
- Traffic Signals at the intersection of Caldari Road and Riverrock Gate (MOS Item No. 46) prior to occupancy of residential developments
- Improvements and signalization at the intersection of Rutherford Road and Caldari Road (MOS Item No. 2 of Schedule G)

Coordination with the adjacent development to the south - Tesmar Holdings Inc. ('Tesmar')

Pursuant to the MOS, the following shall be in place prior to issuance of any occupancy permit for the Tesmar or RLDC developments, whichever comes first:

- the extension of Caldari Road from Riverrock Gate to Street 'B' (Abeja Street), including the associated services
- Street 'B' (Abeja Street) from Jane Street to Caldari Road, including the associated services

Although the construction of the above-noted works is included in a Development Agreement between the City and Tesmar, the Owner will be responsible to undertake the works, when requested by the City, in case Tesmar is unable to fulfill its obligations.

Keffer Industrial Subdivision Cost Share Agreement

A cost share agreement ('Cost Agreement') was formed between benefitting landowners to construct a storm pond at Creditstone Road and Granite Ridge Drive to serve areas located outside of the subdivision boundary including the Subject Lands. Delisle Properties Limited ('Delisle') previously owned the RLDC lands and was a non-participating landowner for the Cost Agreement prepared for the Keffer Industrial

Subdivision. Storm water drainage for the Subject Lands passed through the Magna International Inc. lands towards the stormwater management ('SWM') pond within the Keffer Industrial Subdivision in Registered Plan 65M-3381. The storm drainage on the Subject Lands continues to drain towards the storm pond and is therefore subject to cost sharing as set out in the Cost Agreement.

The Subdivision Agreement for the Keffer Industrial Subdivision contains a provision that uses best efforts clauses from the City to collect the funds from Delisle (now RLDC) as a condition of the Draft Plan.

Transportation Network

The Subject Lands will be adequately served by the existing and proposed road network. The following public roads, as shown on Attachment 4, are proposed in the Draft Plan to provide the necessary road network to service Phase 1 of the Draft Plan:

- Street 'A' (the Caldari Road extension), is a Minor Collector Road with a 26 m right-of-way ('ROW') through the Subject Lands and will ultimately connect Riverrock Gate to Rutherford Road
- Street 'B' (Abeja Street), is a Local Road with a 20 m ROW, along the south boundary of Block 4 and is shared with the adjacent Tesmar lands, connecting Jane Street to Street 'A'.

All the future road network will be designed and constructed to satisfy the VMCPs requirements. Future accesses to Subject Lands are provided to/from Street 'A' and Street 'B'. The alignment and design of the Local Road and Minor Collector Road as proposed are generally acceptable, and final DE Department comments will be addressed during the detailed design.

On-street parking is permitted along both sides of Street 'A' for the most of its length, and on one side along Street 'B'.

The pick-up/drop-off area is required to be accommodated on the Site Plan. Public on-street parking cannot be used for the pick-up/drop-off activity. The Owner shall allocate an area inside the property limit for pick-up/drop-off activity. Pick-up/drop-off activities also includes ridesharing (part of the Travel Demand Management ('TDM') initiatives), and to make it easy and safe for users, a designated area inside the property limit is needed, not on the public on-street parking.

Active Transportation Facilities and Infrastructure

Existing and planned active transportation facilities in the area are appropriate and include standard sidewalks along both sides of all future public roads. In addition, bike lanes are planned along Street 'A' from Riverrock Gate to Rutherford Road and will integrate with the cycling network in the surrounding area.

The Owner shall provide a cycling facility along the Jane Street frontage of the Subject Lands in accordance with the Council approved Pedestrian and Bicycle Master Plan, 2020. The Owner shall implement the final functional plan of the Jane Street cycling facility approved by the Region of York. A condition to this effect is included in Attachment 1a).

Transit Service

The area is well served by transit services under the existing condition and these services will be enhanced under the future condition. Rutherford Road is planned to be widened to 6 lanes with pedestrian/cyclist improvements and new transit high occupancy vehicle ('HOV') lanes. The Vaughan Mills Bus Terminal is located 300 m (4-minute walk) west of the Subject Lands. In addition, nearby Routes 20 and 26 provide direct connectivity to the VMC Station. Short and long-term improvements are also identified for the area. Jane Street is identified for a future rapid transit corridor from Steeles Avenue West to Major Mackenzie Drive.

Water Supply Network

The Subject Lands are located within Pressure District 6 ('PD6'). The Draft Plan will be serviced by a future watermain on Street 'A' through the Subject Lands. The watermain will connect to an existing trunk watermain on Rutherford Road and an existing watermain at the intersection of Caldari Road and Riverock Gate. A portion of the proposed watermain, between Street 'B' and Riverock Gate, will be installed by Tesmar, which is the adjacent development to the south of Block 4 of the Draft Plan.

Sanitary Sewer Network

The Subject Lands will be serviced by a future sanitary sewer system on Street 'A' through the Subject Lands, connecting to a new sewer to be installed by Tesmar at the intersection of Streets 'A' and 'B'. The proposed sanitary sewer will ultimately connect to the existing Regional Jane and Rutherford trunk sewer on Riverock Gate.

Storm Sewer Network

The Subject Lands will be serviced by a new sewer system on Street 'A' through the property connecting to an existing sewer system at the intersection of Street 'A' and Street 'B', currently under review and approval for the Tesmar development to the south. The existing sewer system is connected to an existing trunk sewer at the intersection of Caldari Road and Riverock Gate, which ultimately discharges into the existing Keffer Industrial Subdivision SWM Pond.

An underground stormwater tank is proposed in Block 4 to control the runoff leaving the Development to the allowable discharge rate.

The Keffer Industrial Subdivision SWM Pond is designed to provide Level 2 water quality control. To achieve Enhanced (Level 1) water quality control within the development blocks, a combination of appropriate treatment units, and Low Impact Development ('LID') measures will be required. The Owner will be required to demonstrate the runoff generated by the future roads will satisfy the required water quality criteria, to the satisfaction of the City.

Environmental Site Assessment

The Owner submitted a Phase One Environmental Site Assessment ('ESA') for the RLDC lands (i.e. Part 1 of Registered Plan 65R-26506), as shown on Attachment 3 prepared by McClymont and Rak Engineers Inc. ('MCR') dated August 18, 2019. No contaminants of concern were identified in the ESA reports. The Owner also successfully filed and submitted a Ministry of the Environment, Conservation, and Parks ('MECP') Record of Site Condition ('RSC') for the RLDC lands in 2019. The City is satisfied with the findings of the ESA investigations with respect to the RLDC lands.

An ESA and RSC have not been submitted to the City for the CLDC lands, as shown on Attachment 3. Therefore, prior to final registration of each phase of the Draft Plan and final approval of Site Development Applications for each subsequent Phase of the Draft Plan located within the CLDC lands, the following shall be provided to the City:

1. A digital copy of all supporting ESA reports and/or Remedial Action Plan ('RAP') to the satisfaction of the City
2. A letter of reliance issued by the author of the ESA reports and/or RAP, in conformity with the DE Department standard template
3. A digital copy of the RSC filed on the Environmental Site Registry including the acknowledgement letter issued by the MECP

Conditions to this effect are included in Attachment 1a).

Noise Mitigation Measures – RLDC Lands

The noise impact on the RLDC lands (i.e., Part 1 on Registered Plan 65R-26506) from the stationary noise sources in the vicinity was assessed in accordance with the requirements of the Noise Evaluation Method and Matrix of Design Features schedule in the executed MOS agreement, Schedule I. The assessment concluded that where there is a predicted excess at a sensitive receptor location, one or more of the receptor-based design features listed in Schedule I of the MOS and permitted by NPC-300 are to be included in the building design and outdoor living areas to eliminate these excesses.

The MOS is based on Block 4 being designated Class 4, pursuant to the MECP noise guidelines and as approved by the City. Vaughan Council passed a conditional resolution on December 11, 2017, designating the RLDC lands as a Class 4 Area, in accordance with the MECP noise guidelines (Publication NPC-300), subject to OLT

approval of the OPA and ZBA applications on the RLDC lands, submission of a detailed noise impact assessment and provision of any recommended noise control measures, approval of the Site Plan for Block 4, and agreement to register warning clauses on title.

Noise Mitigation Measures – CLDC Lands

Vaughan Council passed a resolution on October 21, 2020, recommending the portions of the Subject Lands (i.e., CLDC lands) that do not have a Class 4 designation pursuant to MECP noise guidelines (Publication NPC-300) to be designated as Class 4; and the future development of these lands shall comply with the requirements of the NPC-300 guidelines.

Notwithstanding Council's resolution, the Owner shall provide further supporting documentation in support of the Class 4 designation for the portions of the Subject Lands that do not currently have a Class 4 designation pursuant to the MECP noise guidelines (Publication NPC-300).

Prior to final registration of each phase of the Draft Plan and final approval of Site Development applications for each phase of the Draft Plan, the following shall be completed by the Owner for the CLDC lands:

1. The Owner shall provide a digital copy of Noise & Vibration Feasibility Assessment on the balance of the subject lands, to the satisfaction of the City
2. The Owner shall provide an initial deposit of \$8000.00 towards the cost of the Peer Review in the form of a certified cheque, to the City, and
3. The Owner shall provide written proof and supporting documentation to the City that Items No. 28 to 33, 47 to 50 and other relevant items or sections in the executed MOS agreement have been satisfied.

Relevant noise conditions to this effect have been included in Attachment 1a).

Upon satisfaction of the City that all requirements and supporting documentation have been satisfied and provided, the City's Noise By-Law shall be amended to include the CLDC lands as a Class 4 designation in accordance with MECP noise guidelines.

Notwithstanding any approved Class 4 designation by the City, staff will require implementation of noise attenuation measures to achieve Class 1 sound level limits within the development wherever practically and economically feasible.

Geotechnical and Hydrogeological Report

The Owner shall provide Geotechnical and Hydrogeological Investigation ('GHI') Reports for each phase of the Draft Plan to the satisfaction of the City.

The Owner shall update the submitted GHI Reports for Phase 1 of the Draft Plan, as necessary. The GHI Reports shall evaluate any groundwater and hydrogeological impacts associated with the Development and recommend the ground water control measures to be implemented during the Site Plan and detailed design stages, as required by the applicable City of Vaughan by-laws and procedures.

The DE Department has no objections to the Draft Plan subject to their Conditions of Approval in Attachment 1a).

The Financial Planning and Development Finance Department have no objection to the Applications, subject to the Conditions of Approval

The Owner shall enter into a Subdivision Agreement with the City of Vaughan to satisfy all conditions, financial or otherwise of the City, regarding matters the City may consider necessary, including payment of all applicable development charges. The underground parking will be assessed Development Charges in accordance with the City and York Region's current Development Charge By-law at the time of Building Permit issuance. Cost-sharing for oversizing works may also be applicable. A condition to this effect is included in Attachments 1a) and 2.

The Parks Infrastructure Planning and Development ('PIPD') Department has no objection to the Applications, subject to Conditions of Approval

The PIPD Department has reviewed the Applications and provides the following comments:

Council enacted By-law 168-2022 as the new Parkland Dedication By-law to govern conveyance of parkland and/or alternative payment of cash-in-lieu of parkland (CIL).

On September 18, 2022 the City's new Parkland Dedication By-law came into effect. Accordingly, the Applicant has requested consideration for full parkland dedication credits for the conveyance of Blocks 18, 20, and 21 to the City as a contribution towards the parkland dedication requirements for the Applications. The parkland considerations of the Applications are being considered based on the criteria included in By-law 168-2022 and would be eligible for 100% parkland dedication credits as follows:

3(1) The City requires lands that fully meet the City's requirements for parklands, which can include passive recreation uses. Such lands accepted by the City for dedication shall receive full (100%) credit towards satisfying the parkland dedication requirements for a development or redevelopment.

3(2) The City will accept the following encumbered lands at a full (100%) credit towards satisfying the parkland dedication requirements for a development or redevelopment:

- a. Strata parks
- b. Land encumbered by underground storm water facilities, utility corridors, and other publicly owned infrastructure.
- c. Land that forms part of the Natural Heritage Network and associated buffers.
- d. Land encumbered by floodplains.
- e. Land encumbered by sustainability features.
- f. Land within the Greenbelt or Oak Ridges Moraine.

3(3) Consideration and provision of parkland credits for the encumbered lands provided in section 3(2) shall require the owner to enter into an agreement with the City for dedication of land that:

- a. is permit-ready for active and/or passive park programming;
- b. is designed and developable to City standards;
- c. does not prohibit or restrict public programming;
- d. will be open and accessible to the public at all times;
- e. meets any further applicable criteria in the City's Official Plan or Secondary Plan; and
- f. meets requirements of the Greenbelt or the Oak Ridges Moraine policies where applicable.

3(5) Notwithstanding sections 3(2) and 3(4), lands not acceptable for parkland dedication and any credit are the following:

- a. Lands with poor drainage, erosion issues, extreme slopes, and other adverse physical conditions
- b. Lands required to accommodate open storm water management facilities
- c. Lands deemed by the City to be contaminated in any way
- d. Lands that prohibit or restrict public programming.

Abeja District: Parks Facilities Site Composition Planning

The PIPD Department acknowledges the efforts spent by the Owner and consultants through the preparation of the Abeja District: Parks Facilities Site Composition Planning ('Parkland Master Plan') document, prepared by Studio TLA, dated March 2022, to meet the programming requirements generated by the planned population at full build out of the Draft Plan, including designing and depicting a meaningful and elaborate flow of open space within the proposed urban fabric. Notwithstanding, PIPD staff provide the following comments:

- a) Limited public road frontage associated with the proposed parkland raises concerns with respect to limitations for visible public access, maintenance access, and security and liability. Proposed park designs are required to review and consider alternatives to mitigate the identified concerns.
- b) Block 18 of the Draft Plan measures approximately 0.2 Ha and is comprised primarily of unrestricted tableland generally suitable for construction of active park facilities, however, this area is significantly restricted by size and configuration. Proposed park designs must seek opportunities to provide active park facilities within this block, designed to City standards.
- c) Block 20 of the Draft Plan measures approximately 0.19 ha and is comprised of transitional vegetation and moderately sloping topography. This area may be suitable for active and/or passive parkland facilities, subject to further review and confirmation. Proposed park designs must seek opportunities to provide active and passive park facilities within this block, designed to City standards.
- d) Block 21 of the Draft Plan measures approximately 0.43 ha and is comprised of Woodland features of the Natural Heritage Network. This area may be suitable for passive parkland facilities, subject to further review and confirmation. Proposed park designs must seek opportunities to provide passive park facilities within this block, designed to City standards.
- e) The total combined proposed parkland dedication of Blocks 18, 20, and 21 measures approximately 0.821 ha which represents approximately 30% of the public parkland area initially identified for this community. Provision of public parkland measuring 2.63 ha would be consistent with a typical neighbourhood parkland designation as identified in the VM CSP for the Subject Lands to service future residents east of Jane Street with the necessary outdoor active recreational facilities as guided by the provisions of the ATMP, and contribute to the City's objective of providing 2.0Ha of parkland per 1000 residents.
- f) The eligibility of Block 20 and 21 to be considered 100% parkland dedication credits is subject to the Applicant meet conditions of section 3(3) of By-law 168-2022, specifically ensuring that the lands are permit-ready for active or passive programming.
- g) To meet the provisions of the Parkland Dedication Bylaw 168-2022, the final size and configuration of park and associated blocks that will be considered to contribute towards parkland dedication credit will be subject to field verification and ensure they meet section 3(5) of By-law 168-2022 and excludes lands with poor drainage, erosion issues, extreme slopes and other adverse physical conditions, deemed by the City to be contaminated in any way and prohibit or

restrict public programming, and accommodate open storm water management facilities.

A condition to this effect is included in Attachment 1a).

Tree Inventory and Preservation Plan Report ('TIPP')

PIPD staff provide the following comments on the TIPP:

- a) The submitted TIPP identifies all remaining woodland trees within the public park Block 18 to be removed, and detailed location and condition comments are not provided. PIPD staff requests that the existing trees within Block 18 be inventoried and location and detailed size condition information be provided. The Owner shall submit to the City an updated Parkland Master Plan and an updated TIPP, addressing the above comments.

A condition to this effect is included in Attachment 1a).

The Owner shall submit to the City an updated Parkland Master Plan and an updated TIPP, addressing the above comments. A condition to this effect is included in Attachment 1a).

Timing of Parkland Conveyance

- a) Following the registration of the plan, the applicant shall convey the public park Block 18 free of encumbrances to the satisfaction of the City.

A condition to this effect is included in Attachment 1a).

Community Multi-use Recreational Trails

The 2020 Pedestrian and Bicycle Master Plan identifies a requirement for a pedestrian/ bicycle route through the subject lands connecting the open space lands to Jane / Rutherford intersection. The provision of a future walkway/trail connection would assist with respect to providing access from Creditstone Road through the open space ideally within the buffer block lands to the planned multiuse pathway on Rutherford Road.

The Owner shall submit a Trail Feasibility Brief and Plan examining the potential feasibility of a trail/pedestrian connection or improvements and showing proposed trail alignment and connections on plan.

A condition to this effect is included in Attachment 1a).

Block 4 POPS Parkland Credits

The Development proposed for Block 4 of the Draft Plan and subject to Site Development File DA.19.010 includes POPS at grade north of the main building with a series of ramps leading to an interior open space at the second floor.

100% parkland dedication credits for POPS are to be based on section 3(4) of By-law 168-20 as follows:

3(4) Through the development approval process, City Council may choose to accept land proposed as a privately owned public space at full (100%) credit towards satisfying the parkland dedication requirements for a development or redevelopment. Consideration and provision of parkland credits for a privately owned public space shall require the owner to enter into an agreement with the City providing that the privately owned public space:

- a. is designed, developed and maintained to City standards;
- b. is open and accessible to the public at all times; and
- c. meets any further applicable criteria in the City's Official Plan or Secondary Plan.

Furthermore, for areas to be considered POPS, Section 6.2.8.j of the Urban Design Guidelines includes the following requirements for a POPS to meet at a minimum:

- a) Located in a prominent, public facing location.
- b) Provides a critical site connection that benefits the surrounding community.
- c) Fulfills a required open space need that has been identified for the development of the surrounding community.
- d) An integral part of the surrounding public realm design and/or landscape treatments.
- e) The main entrance of future development is located off of the POPS as a mid-block connection.

Based on the above, Staff recommends that part of the proposed POPS that meet above requirements within Block 4 are eligible for 100% parkland credits.

Payment-In-Lieu of Parkland Dedication

To meet parkland dedication requirements under the *Planning Act*, the VOP 2010 (Section 7.3.3 Parkland Dedication) and in-effect Parkland Dedication By-law and applicable amendments, payment-in-lieu of parkland shall be provided, discounting any public parkland dedicated to the City. Real Estate Services shall review and provide comments as required prior to Building Permit. The valuation date of land value for payment-in-lieu, including determining what unit rate shall apply under the Parkland

Dedication By-law, shall be the day before the day the required first Building Permit is issued for the Development.

A condition to this effect is included in Attachment 2.

Site Plan

The PIPD Department has no objection to the Site Plan subject to the Owner addressing any outstanding comments provided by PIPD and subject to warning clauses being included in all Offers of Agreement of Purchase and Sale or Lease for all units advising potential Owners that the public park land may not be fully developed at the time of occupancy.

Conditions to this effect are included in Attachment 1a).

The Owner shall enter into a Tree Protection Agreement

The Owner has submitted a Tree Inventory and Preservation Plan ('TIPP') Report, dated July 14, 2022, prepared Kuntz Forestry Consulting Inc. which updated the TIPP Report prepared by Kuntz Forestry Consulting Inc. dated March 30, 2016, revised May 9, 2016.

The July 14, 2022 TIPP report was updated to reflect the removal of trees from the Subject Lands, which were identified in the May 9, 2016 TIPP Report.

The Owner will enter into a Tree Protection Agreement with the Development Planning Department, to identify the standards and procedures required by the City to protect the remaining public and private trees through the development review processes as indicated in the City's Tree Protection Protocol. A condition to this effect is included in Attachment 1a).

The Real Estate Department has no objection to the Applications, subject to Conditions of Approval

The Real Estate Department has no objection to the approval of the Applications. For high-density residential development, the Owner shall convey land at a rate of 1 hectare per 300 units and/or pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of 1 hectare per 500 units, or at a fixed unit rate, prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City of Vaughan's Cash-in-Lieu of Parkland Dedication Policy. A condition to this effect is included in Attachment 2.

An Order to Comply and Stop Work Order was issued to the Owner by the City

An Order to Comply pursuant to Section 12(2) of the *Building Code Act* was issued to the Owner by the City on February 25, 2022. The Order to Comply was issued because the underground parking structure for the Development subject to Site Development File DA.19.010 was being constructed prior to obtaining the required Building Permit.

Construction continued to take place on the Subject Lands without a Building Permit, therefore a Stop Work Order was issued to the Owner by the City on April 5, 2022. The Stop Work Order will continue to be in place, until the Owner obtains the required Building Permit from the City.

The Toronto and Region Conservation Authority ('TRCA') has no objection to the Applications, subject to Draft Plan Conditions of Approval

The TRCA has no objection to the Site Plan. The TRCA also has no objection to the Draft Plan, subject to their comments and Conditions of Approval in Attachment 1c) being addressed by the Owner.

Regarding the proposed Woodland removals within TRCA's regulated area, TRCA will require compensation consistent with TRCA's Guideline for Determining Ecosystem Compensation (the 'Guidelines') through the issuance of their permit. This would include both ecosystem structure compensation and land base compensation as per the Guideline. The TRCA defers to the City of Vaughan to determine the appropriate compensation for the unauthorized Woodland removals that have taken place outside of the TRCA's regulated area on the Subject Lands, which is discussed earlier in this report. The compensation that the TRCA is seeking from the Owner is in addition to the compensation being sought by the City.

Canadian National Railway ('CN Rail') has no objection to the Applications, subject to Conditions of Approval

CN Rail has advised that the Subject Lands are located within 1000 m of a CN Rail main rail yard (CN MacMillan Yard).

The OLT's Decision dated December 18, 2018, approved in principle, the first phase of development (Block 4) of the Subject Lands. The OLT's final Order was to be withheld until the OLT was informed that the Owner and Canadian National Railway ('CN Rail') reached an agreement, and it was registered on title. The Owner and CN Rail reached an agreement on September 23, 2019, and it was registered on October 24, 2019, for the lands in Block 4. OLT issued the final Order on December 24, 2019.

CN Rail has no objection to the approval of the Applications, subject to the Conditions of Approval applicable to the balance of the lands outside of Block 4, included in Attachment 1d).

Canada Post has no objection to the Applications, subject to the Conditions of Approval

Canada Post Corporation has no objection to the Applications, subject to the Conditions of Approval included in Attachment 1e).

The School Boards have no objection to the Applications

The York Region District School Board ('YRDSB') advised that they have no objection to the approval of the Applications based on the understanding that an elementary school site in the location identified in the VM CSP (northeast corner of Edgeley Boulevard and Bass Pro Mills Drive) continues to be available to the YRDSB for the development of an elementary school once there is a threshold of students to proceed with a request to the Ministry for capital priorities funding. The York Catholic District School Board ('YCDSB') have advised they have no objection to the Applications, subject to sidewalks being provided on at least one side of all streets within this plan. No comments were received from the Conseil Scolaire de District Catholique Centre Sud.

The various utilities have no objection to the Applications, subject to Conditions of Approval

Bell Canada has no objection to the Applications subject to their conditions included in Attachment 1f).

Alectra Utilities Corporation has no objection to the Applications subject to their conditions included in Attachment 1g).

Enbridge Gas Inc. has no objection to the Applications subject to their conditions included in Attachment 1h).

Rogers has no objections to the Applications.

Financial Impact

There are no requirements for new funding associated with this report.

Broader Regional Impacts/Considerations

York Region Community Planning and Development Services ('CPDS') has no objection to the Applications, subject to the Conditions of Approval

York Region CPDS has no objections to the Applications, subject to their comments and Conditions of Approval included in Attachments 1b) and 2.

The Subject Lands are located at the southeast quadrant of Rutherford Road and Jane Street, which are both under the jurisdiction of York Region.

York Region on August 12, 2019, advised through their review of the Draft Plan, that the Owner is required to convey the following to York Region:

- widenings across the full frontage abutting Rutherford Road and Jane Street of sufficient width to provide a minimum of 21.5 m and 22.5 m respectively, from the centre line of construction of Rutherford Road and Jane Street
- 10 m by 10 m daylight triangles at the intersection of Street 'A' and Jane Street, and Street 'B' and Rutherford Road from the widened limit of Jane Street and Rutherford Road respectively
- a 20 m by 20 m daylight triangle in the southeast corner of the intersection of Jane Street and Rutherford Road, measured from the widened limits of Jane Street and Rutherford Road
- a 0.3 m reserve adjacent to the above-noted widenings

Conclusion

The Development Planning Department is satisfied that the Applications are consistent with the PPS, and conforms to the Growth Plan, the YROP and VOP 2010 policies, as well as the OLT approvals and the MZO. The Applications will facilitate development on the Subject Lands that is appropriate and compatible with the existing and planned land uses in the surrounding area. On this basis, the Development Planning Department can support approval of the Applications, subject to the Recommendations in this report and the Conditions of Approval in Attachments 1 and 2.

For more information, please contact Letizia D'Addario, Senior Planner, Extension 8213.

Attachments

1. Conditions of Draft Plan of Subdivision Approval (including Attachments 1a to 1i).
2. Conditions of Site Development Approval
3. Context and Location Map
4. Draft Plan of Subdivision File 19T-18V001 (with MZO overlay)
5. Site Plan and Zoning
6. Landscape Plan
7. Building Elevations – West Elevation Facing Jane Street
8. Building Elevations – South Elevation Facing Street 'B' (Abeja Street)
9. Building Elevations – East Elevation Facing Street 'A' (Caldari Road Extension)
10. Building Elevations – North Elevation Facing Privately-Owned Publicly Accessible Space ('POPS')

Prepared by

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Approved by

A handwritten signature in black ink, appearing to read 'Haiqing Xu'.

Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by

A handwritten signature in black ink, appearing to read 'Nick Spensieri'.

Nick Spensieri, City Manager