

Committee of the Whole (Public Hearing) Report

DATE: Tuesday, April 02, 2019

WARD: 4

**TITLE: ZONING BY-LAW AMENDMENT FILE Z.15.023
NORSTAR GROUP OF COMPANIES
VICINITY OF RUTHERFORD ROAD AND DUFFERIN STREET**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on Zoning By-law Amendment File Z.15.023 (Norstar Group of Companies) to amend Zoning By-law 1-88, specifically to rezone the Subject Lands from “A Agricultural Zone” and “OS5 Open Space Environmental Protection Zone” to “RA3 Apartment Residential Zone”, “RM2 Apartment Residential Zone” and “OS5 Open Space Environmental Protection Zone” in the manner shown on Attachment 2. The proposed rezoning will facilitate one (1), 24-storey residential apartment building with a 4-storey podium consisting of 255 units, and six (6) blocks of 4-storey stacked and back-to-back townhouse dwellings consisting of 172 units, for a combined total of 427 units.

Report Highlights

- To receive input from the public and the Committee of the Whole on a Zoning By-law Amendment Application to permit the development of one (1), 24-storey residential apartment building with a 4-storey podium consisting of 255 units, and six (6) blocks of 4-storey stacked and back-to-back townhouses consisting of 172 units, for a combined total of 427 units.
- An amendment to Zoning By-law 1-88 is required to permit the Development.
- A technical report to be prepared by the Development Planning Department will be considered at a future Committee of the Whole meeting.

Recommendations

1. THAT the Public Hearing report for Zoning By-law Amendment File Z.15.023 (Norstar Group of Companies) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Background

The Subject Lands (the 'Subject Lands') are located on the north-east corner of Rutherford Road and Dufferin Street and are municipally known as 1176 Rutherford Road, as identified on Attachment 1. The surrounding land uses are shown on Attachment 1.

A Zoning By-law Amendment Application has been submitted to permit the proposed Development

The Owner (Norstar Group of Companies) has submitted Zoning By-law Amendment Application Z.15.023 (the 'Application') to rezone the Subject Lands from "A Agricultural Zone" and "OS5 Open Space Environmental Protection Zone" to "RA3 Apartment Residential Zone", "RM2 Multiple Residential Zone" and "OS5 Open Space Environmental Protection Zone" in the manner shown on Attachments 2 to 7, together with the site-specific zoning exceptions identified in Tables 1 and 2 of this report. The proposal includes one (1) 24-storey residential apartment building with a 4-storey podium consisting of 255 units, and six (6) blocks of 4-storey stacked and back-to-back townhouses consisting of 172 units, for a total of 427 units (the 'Development').

A Committee of the Whole (Public Hearing) for the Application was held on June 16, 2015. The Application has not been considered by Council within two years and requires an additional Public Hearing in accordance with Vaughan Official Plan 2010.

The Committee of the Whole (Public Hearing) considered the Applications for the Subject Lands on June 16, 2015. In accordance with Section 10.1.4.1 (in part) of Vaughan Official Plan 2010 ('VOP 2010'), a new Public Hearing for planning application(s) shall automatically be required when *"any application(s) that has not been considered by Council within two years after the date it was considered at a previous statutory meeting."* Since the last Public Hearing was held on June 16, 2015, an additional Public Hearing is required for this Application.

At the Public Hearing of June 16, 2015, the Owner presented a proposal consisting of two (2) residential apartment buildings (24 and 13-storeys) and connected by a two (2) storey podium with a total of 438 residential apartment units and 601 m² of ground commercial area, and Floor Space Index ('FSI') of 2.84 times the area of the lot.

On December 23, 2016, the Owner submitted a revised proposal to the City which included one (1), 24-storey residential apartment building with 255 units, and 184, 4-storey stacked and back-to-back townhouses units over 7 blocks for a combined total of 439 units with an FSI of 2.8. The latest proposal submitted to the City on November 16, 2018, maintains the 24-storey residential apartment, and consists of 172, 4-storey back-to-back and stacked townhouse dwellings units over 6 blocks for a total of 427 units with an FSI of 2.78.

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

- a) Date the Notice of Public Hearing was circulated: March 8, 2019.
- b) Circulation Area: 150 m and the expanded polling area shown on Attachment 1, and to the Carrville Mills and Preserve Thornhill Woods Ratepayers Associations.

Any comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments that are received will be reviewed by the Development Planning Department as input in the application review process and will be addressed in a technical report to be considered at a future Committee of the Whole meeting.

Previous Reports/Authority

[Item 2, Report No. 27 of the Committee of the Whole \(Public Hearing\), adopted, as amended by the Council of the City of Vaughan on June 23, 2015](#)

Analysis and Options

The proposed Development conforms to Vaughan Official Plan (“VOP 2010”)

The Subject Lands are designated “High-Rise Mixed-Use” by VOP 2010, Volume 2, Section 11.2, Carville Centre Secondary Plan with a permitted maximum building height of 24-storeys and FSI of 2.84 times the area of the lot. The Subject Lands are also identified as a “Local Centre”, with Rutherford Road identified as a “Primary Intensification Corridor” on Schedule 1, Urban Structure of VOP 2010.

The “High-Rise Mixed-Use” designation represents the primary retail development area within the Carrville District Centre, and is intended to be developed as an active, mixed-use area characterized by high quality design standards. This designation permits residential units in low, mid and high-rise building formats, with a broad variety of retail and commercial activities, offices, and cultural, entertainment and social facilities.

The Carrville Secondary Plan (“CSP”) encourages a mixed-use nature of the Centre by establishing mixed uses within individual buildings. The Development does not include retail uses at-grade. Section 11.2.5.3 of VOP 2010 states (in part) “where it is determined that a mix of uses is not feasible in an individual building, urban design strategies will be required to achieve the goal of an animated, pedestrian friendly street frontage.” The Owner has responded to this policy by providing a high-quality design for the building located at the corner of Rutherford Road and Dufferin Street. The proposed at-grade uses include amenity areas, within the apartment building and residential units with front facades facing Rutherford Road and Dufferin Street to strengthen the pedestrian streetscape and interface.

The previous landowner (Cedarbrook Residential) appealed VOP 2010 (Appeal #103) as it applied to the Subject Lands. A Pre-Hearing Conference was held on June 15, 2015, to settle the appeal and it was subsequently withdrawn. The city-wide appeal related to the parkland dedication policies remains outstanding for the Subject Lands.

Amendments to Zoning By-law 1-88 are required to permit the Development

The Subject Lands are zoned “A Agricultural Zone” and “OS5 Open Space Environmental Protection Zone” by Zoning By-law 1-88, as shown on Attachment 2. The Subject Lands are proposed to be rezoned to “RA3 Apartment Residential Zone”, “RM2 Multiple Residential Zone” and “OS5 Open Space Environmental Protection Zone” to facilitate the Development in the manner shown on Attachment 2. The existing OS5 Zone identified on the north-east portion of the Subject Lands is intended to be maintained.

The following site-specific zoning exceptions are required to the “RA3 Apartment Residential Zone” and “RM2 Multiple Residential Zone” to permit the Development shown on Attachments 3 and 4:

Table 1

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone
a.	Minimum Lot Area	255 units @ 67 m ² /unit = 17,085 m ²	255 units @ 53.21 m ² /unit = 13,569 m ²
b.	Minimum Amenity Area	96 units @ 20 m ² = 1,920 m ² 146 units @ 55 m ² = 8,030 m ² 13 units @ 90 m ² = 1,170 m ² Total: 11,120 m ²	Indoor Amenity: 687 m ² Outdoor Amenity: 1,539 m ² Total: 2,226 m ² (8.7 m ² /unit)
c.	Minimum Parking Requirement (Residential Parking)	<u>Residential Apartment and Townhouses:</u> 427 units @ 1.5 spaces/unit = 641 residential parking spaces <u>Visitor Parking Spaces:</u> 427 units @ 0.25 spaces/unit = 107 visitor parking spaces Total = 748 spaces	<u>Residential Apartment and Townhouses:</u> 427 units @ 1.037 spaces/unit = 443 residential parking spaces <u>Visitor Parking Spaces:</u> 427 units @ 0.21 spaces/unit = 90 visitor parking spaces Total = 533 spaces
d.	Maximum Building Height	44 m	85 m

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone
e.	Minimum Setback for Portion of Buildings Below Grade	1.8 m	0.6 m from Rutherford Road, Dufferin Street and the sight-triangle
f.	Minimum Front and Exterior Yard Setbacks (Abutting the Exterior Walls of the Apartment Building)	Front Yard: 7.5 m Exterior Side Yard: 7.5 m	Rutherford Road: 3 m Dufferin Street: 3 m
g.	Minimum Front Yard Setback to an Exterior Stairway (Apartment Building)	7.5 m	4.14 m from Rutherford Road
h.	Minimum Setback to a Sight-Triangle (Abutting the Apartment Building)	4.5 m	3 m
i.	Minimum Landscape Strip Width Abutting Dufferin Street, Rutherford Road and the Sight Triangle	6 m	3 m
j.	Minimum Landscape Strip Width Abutting the Periphery of an Outdoor Parking Area	3 m	0 m
k.	Minimum Height for Landscape Screening for Outdoor Parking Areas	1.2 m	No minimum landscape screening is required

Site-specific exceptions are also required for the RM2 Multiple Residential Zone to permit the Development.

Table 2

	Zoning By-law 1-88 Standard	RM2 Multiple Residential Zone Requirement	Proposed Exceptions to the RM2 Multiple Residential Zone
a.	Minimum Lot Area	172 units @ 230 m ² /unit = 39,560 m ²	172 units @ 78.9 m ² /unit = 13,569 m ²
b.	Minimum Amenity Area	142 units @ 55 m ² = 7,810 m ² 30 units @ 90 m ² = 2,700 m ² Total: 10,510 m ²	Total Outdoor Amenity: 2,609 m ² (15.2 m ² /unit)
c.	Maximum Building Height (Townhouse Blocks 1 to 6)	11 m	14.5 m (3-storeys)
d.	Minimum Front Yard Setback (Townhouse Blocks 1 to 6)	4.5 m	3 m
e.	Minimum Exterior Side Yard Setback (Townhouse Blocks 1 to 6)	4.5 m	3 m
f.	Minimum Setback to Covered Porches and Exterior Stairways (Townhouse Blocks 1 to 6)	4.5 m	3 m

	Zoning By-law 1-88 Standard	RM2 Multiple Residential Zone Requirement	Proposed Exceptions to the RM2 Multiple Residential Zone
g.	Minimum Setback to Canopies	0.5 m	0 m
i.	Minimum Landscape Strip Width Abutting the Periphery of an Outdoor Parking Area	3 m	0 m
j.	Minimum Height for Landscape Screening for Outdoor Parking Areas	1.2 m	No minimum landscape screening is required
k.	Minimum Driveway Width (Rutherford Road)	7.5 m	6.32 m

Additional zoning exceptions may be identified through the detailed review of the Application and will be considered in a technical report to a future Committee of the Whole meeting.

Through a preliminary review of the Application, the Development Planning Department has identified matters to be reviewed in detail

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Consistency and Conformity with the PPS, Growth Plan, YROP 2010, and VOP 2010	<ul style="list-style-type: none"> The Application will be reviewed for consistency with the <i>Provincial Policy Statement 2014</i> (the “PPS”), and for conformity with the <i>Growth Plan for the Greater Golden Horseshoe 2017</i> (the “Growth Plan”), the York Region Official Plan (“YROP 2010”) and VOP 2010.

	MATTERS TO BE REVIEWED	COMMENT(S)
b.	Appropriateness of the Proposed Rezoning of the Subject Lands and the Site-Specific Zoning Exceptions	<ul style="list-style-type: none"> ▪ The appropriateness of the proposed amendments to Zoning By-law 1-88 will be reviewed in consideration of the existing and planned uses to implement the “High-Rise Mixed-Use” designation of VOP 2010. ▪ The Owner has submitted a Planning Justification Report in support of the Application, which must be reviewed to the satisfaction of the Development Planning Department.
c.	Block 11 Plan	<ul style="list-style-type: none"> ▪ The Development will be reviewed in consideration of the Block 11 Plan, the surrounding and existing planned land uses and any Block Plan conditions respecting Regional infrastructure including wastewater and water system improvements; any requirements for the reconstruction of Dufferin Street and/or Rutherford Road and road widenings, and City infrastructure, including sanitary, water and stormwater management, to the satisfaction of the City.
d.	Block 11 Developers Group Agreement	<ul style="list-style-type: none"> ▪ The Owner is required to meet all obligations financial or otherwise of the Block 11 Developers Group Agreement to the satisfaction of the Block 11 Trustees and the City of Vaughan, should the Application be approved.
e.	Urban Design and Architectural Guidelines	<ul style="list-style-type: none"> ▪ The Development must conform to the approved Carrville District Centre Urban Design Streetscape Master Plan Study.
f.	Vaughan Design Review Panel ('DRP')	<ul style="list-style-type: none"> ▪ On January 7, 2016, a revised preliminary design concept was considered by the Vaughan Design Review Panel ('DRP'). The Owner must satisfactorily address the DRP's comments.
g.	Reports and Studies	<ul style="list-style-type: none"> ▪ The following studies and reports submitted in support of the Application must be approved to the satisfaction of the City and/or respective public approval authority:

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> • Stage 1 and 2 Archaeological Resource Assessment • Arborist Report • Functional Servicing and Stormwater Management Study • Geotechnical Investigation Report • Natural Heritage Evaluation Report • Noise Impact Study • Pedestrian Wind Assessment • Photometric Study • Planning Justification Report • Traffic Impact Study <p>Additional studies/reports may be required as part of the development application review process.</p>
h.	Parkland Dedication Requirements	<ul style="list-style-type: none"> ▪ The Owner is required to provide parkland and/or cash-in-lieu of the dedication of parkland to the City of Vaughan in accordance with the City's Parkland Dedication and Cash-in-lieu Policy, should the Application be approved.
i.	Functional Servicing Report/Allocation	<ul style="list-style-type: none"> ▪ The Development Engineering Department must review and approve the Functional Serving Report submitted in support of the Application. The availability of water and sanitary servicing capacity for the Development must be identified and formally allocated by Vaughan Council, if the Application is approved. Should allocation not be available, use of the Holding Symbol "(H)" will be considered for the Subject Lands. In addition, the Development will be reviewed in consideration of York Region's Sustainable Development through LEED high-rise incentive program and the Servicing Incentive Program ("SIP").
j.	Related Site Development File DA.15.022	<ul style="list-style-type: none"> ▪ The related Site Development File DA.15.022 will be reviewed in consideration of, but not limited to, the following matters: <ul style="list-style-type: none"> - The relationship of the building setbacks, height and design within the immediate area

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> - The provision of pedestrian connections from the Subject Lands to the existing municipal sidewalks and access to existing and proposed transit service stops along Rutherford Road and Dufferin Street - The appropriate site design, massing, building materials and bird-friendly design in consideration of the architectural guidelines within the Block 11 and Carrville District Centre Urban Design Streetscape Master Plan Study - The provision of enhanced landscaping, amenity areas, snow storage area(s), waste collection, stormwater management, and site servicing and grading - The provision of adequate visitor and residential parking spaces below and above-grade - Pedestrian and barrier-free accessibility - Proper stormwater management and retention measures to ensure any runoff/drainage is properly maintained on site - Proper vehicular access and turning movements from Dufferin Street and Rutherford Road, including service vehicles such as fire and garbage trucks - The protection, preservation and replacement of any trees in accordance with City policies - The protection and preservation of vegetation and natural heritage features within the "OS5 Open Space Environmental Protection Zone" and any necessary dedication of public lands to the Toronto and Region Conservation Authority (the 'TRCA') or the City of Vaughan <ul style="list-style-type: none"> ▪ All issues identified through the review of the Site Development File DA.15.022 will be addressed together with the subject Zoning By-law Amendment application in a comprehensive technical report to a future Committee of the Whole Meeting.
k.	Source Water Protection Plan	<ul style="list-style-type: none"> ▪ The Subject Lands are located within the WHPA-Q Recharge Management Area, Significant Groundwater Recharge Area and Highly Vulnerable Aquifer as identified in the approved Source Protection Plan, which provides policies for protecting the drinking water sources/supply. All land development activities within the

	MATTERS TO BE REVIEWED	COMMENT(S)
		WHPA-Q area are to maintain predevelopment recharge levels to the satisfaction of the TRCA and the City. The Owner is required to satisfy all water balance requirements of the TRCA and the City prior to finalization of the Site Development Application.
I.	Sustainable Development	<ul style="list-style-type: none"> ▪ Opportunities for sustainable design, including CPTED (Crime Prevention Through Environmental Design), LEEDS (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, bicycle racks to promote alternative modes of transportation, energy efficient lighting, reduction in pavement and roof-top treatment to address the "heat island" effect, green roofs, etc., will be reviewed.
m.	Toronto and Region Conservation Authority ('TRCA')	<ul style="list-style-type: none"> ▪ The Subject Lands abut lands zoned "OS5 Open Space Environmental Protection Zone" to the north and east and are located within the TRCA's regulated area. A site-staking of the natural features and delineation of the limits of the features was completed on April 28, 2017. The Owner must satisfy all requirements of the TRCA.
n.	Environmental Site Assessment Reports	<ul style="list-style-type: none"> ▪ The Phase 1 and 2 Environmental Site Assessments must be approved to the satisfaction of the Development Engineering Department.
o.	Rutherford Road Environmental Assessment ('EA')	<ul style="list-style-type: none"> ▪ York Region is undertaking the Rutherford Carrville EA, which includes the entire Rutherford Road frontage on the Subject Lands. The Owner will be required to address any requirements of the EA process.

Financial Impact

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

Broader Regional Impacts/Considerations

The Application has been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues identified will be addressed when the technical report is considered.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of this Application will be considered in the technical review of the Application. Comments from the public and Vaughan Council expressed at the Public Hearing or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact: Natalie Wong, Senior Planner at extension 8866.

Attachments

1. Location Map
2. Proposed Zoning & Site Plan
3. Landscape Plan
4. South Elevation
5. West Elevation
6. Typical Stacked and Back-to-Back Townhouse Block Elevations
7. Perspective Rendering

Prepared by

Natalie Wong, Senior Planner ext. 8866

Mark Antoine, Senior Planner ext. 8212

Nancy Tuckett, Senior Manager of Development Planning ext. 8529

Mauro Peverini, Director of Development Planning ext. 8407

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