

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, May 2, 2023 **WARD(S):** 1

TITLE: 3300 RUTHERFORD DEVELOPMENTS INC.
OFFICIAL PLAN AMENDMENT FILE OP.23.001
ZONING BY-LAW AMENDMENT FILE Z.23.002
3300 RUTHERFORD ROAD
VICINITY OF RUTHERFORD ROAD AND HIGHWAY 400

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: FOR INFORMATION

Purpose

To receive comments from the public and the Committee of the Whole on applications to redesignate and rezone the subject lands to permit a mixed-use development of with 7 towers ranging in height from 6 to 35 storeys with approximately 3,047 residential units and 8,546m² of non-residential uses having a floor space index of 5.67 times the area of the lot, as shown on Attachments 3 to 5.

Report Highlights

- The Owner proposes to permit a mixed-use development with 3,047 residential units, 8,546 m² of non-residential area with buildings ranging in height from 6-35 storeys with an FSI of 5.67.
- This report identifies preliminary issues to be considered in a technical report to be prepared by the Development Planning Department at a future Committee of the Whole meeting.

Recommendations

1. THAT the Public Meeting report for Official Plan and Zoning By-law Amendment Files OP.23.001 and Z.23.001 (3300 Rutherford Developments Inc.) 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

Location: 3300 Rutherford Road (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachments 1 and 2. The Subject Lands are currently occupied by commercial plaza including an eating establishment (The Keg), retail stores (strip plaza, Dollarama and Decathlon).

Date of Pre-Application Consultation Meeting: September 16, 2022

Applications to amend the Official Plan and Zoning By-law have been submitted for the Subject Lands

3300 Rutherford Developments Inc. (the 'Owner') submitted the following applications (the 'Applications') to amend Vaughan Official Plan 2010 ('VOP 2010') and rezone the Subject Lands to permit a mixed-use development with 7 towers ranging in height from 6-35 storeys with appropriately 3,047 residential units, 8,546 m² of non-residential area, a maximum FSI of 5.67 times the area of the lot, 2 levels of underground parking (the 'Development') as shown on Attachments 3 to 5:

1. Official Plan Amendment File OP.23.001 to redesignate the Subject Lands from "Mid-Rise Mixed-Use" with a maximum height of 8 and a density of 2.5 times the area of the lot to "High-Rise Mixed-Use" with a maximum height of 35-storeys and a maximum FSI of 5.67 times the area of the lot including site-specific policies that address built form, parkland/open spaces, phasing, streets and parking.

Additional minor amendments to the VOP 2010 may be identified through the review of the first submission.

2. Zoning By-law Amendment File Z.23.002 to rezone the Subject Lands as follows:
 - a) to amend Zoning By-law 1-88 to rezone the Subject Lands from "C5 Community Commercial Zone" subject to site-specific Exception 9(1031A), as shown on Attachment 2, to "RA3 Residential Apartment Zone" subject to site-specific exception in the manner shown on Attachment 3, together with site-specific zoning exceptions identified in Attachment 6 of this report.
 - b) to amend Zoning By-law 001-2021 to rezone the Subject Lands from "GMU General Mixed-Use Zone" subject to site-specific exception in the manner shown on Attachment 2, to "HMU High-Rise Mixed-Use Zone" together with site-specific exceptions identified in Attachment 7 of this report.

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

- a) Date the Notice of Public Meeting was circulated: April 6, 2023.

The Notice of Public Meeting was also posted on the City's website at www.vaughan.ca and a Notice Sign was installed along Rutherford Road,

Sweetriver Boulevard and Komura Drive in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: To all property owners within 150 m of the Subject Lands, an extending polling area as shown on Attachment 1 and to anyone on file with the Office of the City Clerk having requested notice.
- c) The following is a summary of written comments received as of April 11, 2023. The comments are organized by theme as follows:

Privacy, Shadow and View

- the building height will cause shadow and privacy impacts

Access, Traffic and Parking

- the Development will increase traffic congestion in the area and impact vehicle and pedestrian safety

Lack of Infrastructure and Amenities

- the Development will put on a strain on roads, schools, hospitals and parkland

Environmental Impacts

- the Development will cause increase in population density and will a strain on the local environment, including air and water quality and an increase in noise pollution

Any additional written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication and be reviewed and addressed by the Development Planning Department in a future technical report to the Committee of the Whole.

Previous Reports/Authority

None.

Analysis and Options

An amendment to Vaughan Official Plan 2010 is required to permit the Development

Official Plan Designation:

- "Community Area" abutting a "Primary Intensification Corridor" being Rutherford Road on Schedule 1 – Urban Structure by Vaughan Official Plan 2010 ('VOP 2010')
- "Mid-Rise Mixed-Use" with a maximum height of 8-storeys and a Floor Space Index ('FSI') of 2.5 on Schedule 13 – Land Use by VOP 2010
- This designation permits community facilities, cultural uses, retail uses, office uses, hotel, public and private institutional buildings, residential units in mid-rise buildings at a maximum building height of 8-storeys

- An amendment to VOP 2010 is required to redesignate the lands to “High-Rise Mixed-Use”, increase the permitted building height to 35-storeys, the permitted FSI to 5.67 times the area of the lot, including site-specific policies that address built form, parkland/ open spaces, phasing, streets and parking.

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

Applications to amend both Zoning By-law 1-88 and Zoning By-law 001-2021 are required because Zoning By-law 001-2021 is not in force due to it being under appeal.

Amendments to Zoning By-law 1-88 and Zoning By-law 001-2021 are required to permit the Development

Zoning By-law 1-88

- “C5 Community Commercial Zone”, subject to site-specific Exception 9(1031A),
- This Zone does not permit the Development
- The Owner proposes to rezone the Subject Lands to “RA3 Residential Apartment Zone”, together with site-specific zoning exceptions identified in Attachment 6

Zoning 001-2021

- “GMU General Mixed-Use Zone”, subject to site-specific Exception 700
- This Zone does not permit the Development
- The Owner proposes to rezone the Subject Lands to “HMU High-Rise Mixed-Use Zone”, together with site-specific exceptions identified in Attachment 7

Following a preliminary review of the applications, the Development Planning Department has identified the following matters to be reviewed in greater detail

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies, York Region and City Official Plan Policies	<ul style="list-style-type: none"> ▪ The Applications will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the ‘PPS’), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the ‘Growth Plan’) and the policies of the York Region Official Plan, 2022 (‘YROP’) and VOP 2010 ▪ The appropriateness of the amendments to VOP 2010 will be reviewed in consideration of the proposed land use designation outside of the primary centre being the Vaughan Mills Centre Secondary Plan (‘VMCSP’), building height and density, retail uses at grade, analysis including but not limited to the amount of parkland and affordable housing requirements

	MATTERS TO BE REVIEWED	COMMENT(S)
b.	Appropriateness of Amendments to Zoning By-laws 1-88 and 001-2021	<ul style="list-style-type: none"> ▪ The appropriateness of the rezoning and site-specific exceptions will be reviewed in consideration of the existing and planned surrounding land uses
c.	The proposed Development demonstrates building heights and density exceeding the VMCSPP	<ul style="list-style-type: none"> • According to the Intensification Area policies of VOP 2010 (Policy 2.2.5), the hierarchy of mixed-use centre and corridors shall be as follows: <ul style="list-style-type: none"> • Vaughan Metropolitan Centre is intended to contain the tallest buildings and greatest densities in the City • <i>Regional Intensification Corridors</i> (e.g., Highway 7 and Yonge Street) will link Regional centres both in Vaughan and beyond, accommodating mixed-use intensification • <i>Primary Centres</i> (e.g., VMCSPP) accommodating a wide range of uses and having tall buildings and lower ones to facilitate appropriate transition to neighbouring areas • <i>Primary Intensification Corridors</i> (e.g., Rutherford Road) link various centres and are linear places of activity, accommodating mixed-use or employment intensification • <i>Local Centres</i> focus for communities, are lower in scale and offer a limited range of uses • The Subject Lands abut a Primary Intensification Corridor which is lower in the intensification hierarchy than the VMCSPP on the south side of Rutherford Road. The VMCSPP identifies the lands directly across the street from the Subject Lands as “Community Commercial Mixed-Use” with a maximum building height of 6-storeys and an FSI of 6 and “High-Rise Mixed-Use” closer to Sweetriver Boulevard with a maximum height of 16-storeys and an FSI of 2
d.	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner submitted studies and reports in support of the Applications available on the city’s website at https://maps.vaughan.ca/planit/ (PLANit Viewer) and must be approved to the satisfaction of the City or respective approval authority. Additional studies and/or reports may be required as part of the application review process
e.	Allocation and Servicing	<ul style="list-style-type: none"> ▪ The availability of water and sanitary servicing capacity for the Development must be identified and allocated by Vaughan Council, if the applications are approved. If servicing allocation is unavailable, the lands will be zoned with a Holding Symbol “(H)”, which will be removed once

	MATTERS TO BE REVIEWED	COMMENT(S)
		servicing capacity is identified and allocated to the lands by Vaughan Council
f.	Urban Design Guidelines	<ul style="list-style-type: none"> ▪ The Development will be reviewed in consideration of the City of Vaughan City-wide Urban Design Guidelines
g.	Design Review Panel ('DRP')	<ul style="list-style-type: none"> ▪ The Development will be reviewed in consideration of the comments provided by the DRP on February 23, 2023
h.	Public Agency/Municipal Review	<ul style="list-style-type: none"> ▪ The Applications must be reviewed by MTO, York Region and the Toronto and Region Conservation Authority, external public agencies and utilities, municipalities and the Public, Separate, and French School Boards
i.	Parkland Dedication	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of the requirements of the <i>Planning Act</i> and the City of Vaughan's Parkland Dedication Policy
j.	Affordable Housing	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of Provincial, Regional and City polices to ensure that the development provides an appropriate level, range and mix of unit sizes and types to meet the City's affordable housing goals
k.	The CBC By-law will be applicable	<ul style="list-style-type: none"> ▪ The Development meets the criteria for Community Benefits Charges ('CBC') being 5 or more storeys and 10 or more units
l.	Required Applications	<ul style="list-style-type: none"> ▪ The Owner has indicated that the Draft Plan of Subdivision will be submitted shortly. Due to the recent Planning Act changes, the future Draft Plan of Subdivision will not require a future Public Meeting ▪ Should the Applications be approved, the required conditions will be included to address site access, road alignments and connections, servicing and grading, environmental, noise, and other municipal, regional and public agency and utility requirements ▪ The Owner is required to submit Site Development Draft Plan of Condominium (Standard) Applications for the Development, should the Applications be approved

	MATTERS TO BE REVIEWED	COMMENT(S)
m.	School Board	<ul style="list-style-type: none"> ▪ The Subject Lands are adjacent to the VMCSF area and proposes 3,000 units that was not included in the population/unit build-out target for the VMCSF which the school board based their student accommodation needs analysis on. School representation and community services may have a potential deficiency for the area
n.	Road Widening and Access	<ul style="list-style-type: none"> ▪ The traffic impacts and access points proposed will need to be reviewed to the satisfaction of York Region, MTO and proper agreements will need to be registered on title between the Owner, Canada's Wonderland and the City ▪ The design and layout of the proposed public roads will be reviewed to the satisfaction of the Ministry of Transportation ('MTO'), York Region and Development Engineering Department particularly access from the Canada's Wonderland private driveway

Financial Impact

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

Broader Regional Impacts/Considerations

The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues 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 the Applications will be considered in the technical review of the Applications. Comments from the public and Vaughan Council expressed at the Public Meeting or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact Margaret Holyday, Senior Planner, Development Planning Department, ext. 8216.

Attachments

1. Context and Polling Area Map
2. Location Map
3. Site Plan and Proposed Zoning
4. Landscape Plan

5. Rendering
6. Zoning By-law 1-88 Table
7. Zoning By-law 001-2021 Table

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