

Committee of the Whole (1) Report

DATE: Tuesday, May 30, 2023

WARD: 4

**TITLE: BLOCK 18 PROPERTIES INC. & BLOCK 18 (RUTHERFORD) INC.:
ZONING BY-LAW AMENDMENT FILE Z.20.039,
DRAFT PLAN OF SUBDIVISION FILE 19T-20V008 –
VICINITY OF RUTHERFORD ROAD AND PETER RUPERT
AVENUE**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole on applications to rezone and for approval of a Draft Plan of Subdivision to permit 273 freehold townhouse units as shown on Attachment 3.

Report Highlights

- The Owner proposes to rezone the subject lands to permit 273 freehold townhouse units.
- A Zoning By-Law Amendment Application and Draft Plan of Subdivision Application are required to permit the proposed development.
- The Development Planning Department supports the approval of the applications as they are consistent with the Provincial Policy Statement, 2020, conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended, the York Region Official Plan 2010 and 2022, and Vaughan Official Plan 2010, and is compatible with the existing and planned land uses in the surrounding area.

Recommendations

1. THAT Zoning By-law Amendment File Z.20.039 (Block 18 Properties Inc. & Block 18 (Rutherford) Inc.) BE APPROVED, to amend Zoning By-law 1-88 to rezone the subject lands from “RD4 Residential Detached Zone Four”, “RD3 Residential Detached Zone Three”, “OS5 Open Space Environmental Protection Zone” and “A Agricultural Zone” to “RT1 Residential Townhouse Zone” and to revise the zone boundary for the “OS5 Open Space Environmental Protection Zone” as shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 (Attachment 4);
2. THAT Draft Plan of Subdivision File 19T-20V008 (Block 18 Properties Inc. & Block 18 (Rutherford) Inc.) as shown on Attachment 3, BE APPROVED, to permit a residential Draft Plan of Subdivision, subject to the Conditions of Draft Plan of Subdivision Approval in Attachment 1; and
3. THAT the Holding Symbol (“H”) shall not be removed from the subject lands, or any portion (phase) thereof, until the following condition is satisfied:
 - a) For Vaughan Council to adopt a resolution allocating sewage and water supply capacity in accordance with the City’s approved Servicing Capacity Distribution Policy assigning capacity to the subject lands.

Background

Location: Northwest corner of Peter Rupert Avenue and Rutherford Road, Part of Blocks 1 and 3 on Registered Plan 65M-3972 (the ‘Subject Lands’). The Subject Lands and the surrounding land uses are shown on Attachment 2.

Applications have been submitted to permit the proposed development

Block 18 Properties Inc. & Block 18 (Rutherford) Inc. (the ‘Owners’) has submitted a Zoning By-law Amendment and Draft Plan of Subdivision (the ‘Applications’) for the Subject Lands to permit the proposed development of 273 freehold townhouses (the ‘Development’) as shown on Attachment 3:

1. Zoning By-law Amendment File Z.20.039 to amend Zoning By-law 1-88 to rezone the Subject Lands from “RD4 Residential Detached Zone Four”, “RD3 Residential Detached Zone Three”, “OS5 Open Space Environmental Protection Zone” and “A Agricultural Zone” to “RT1 Residential Townhouse Zone” and to revise the zone boundary for the “OS5 Open Space Environmental Protection Zone” as shown on Attachment 3, together with the site-specific zoning exceptions identified on Table 1 (Attachment 4).
2. Draft Plan of Subdivision File 19T-20V008, as shown on Attachment 3 (‘Draft Plan’), to facilitate a residential subdivision consisting of the following:

Lots/Blocks	Land Use	Area (ha)	Units
Blocks 1 to 54	Street Townhouse units (Minimum Lot Frontages 6.0 m)	6.093	273
Block 55	Buffer/ Natural Heritage System	0.522	
Blocks 56	Park	0.109	
Block 57	3m Wide Walkway	0.014	
Blocks 58 to 82	0.3 m Reserve	0.016	
Block 83 to 85	Road Widening	0.057	
Block 86	4.7m wide entry feature	0.012	
	Streets & Lanes	2.551	
Total		9.374 ha	273 units

History of the Subject Lands

Through the Block 18 approval process the Subject Lands were designated ‘Public Use Lands’ for the purposes of a catholic school and a community centre. The southern portion of the Subject Lands, shown as “RD4 Residential Detached Zone Four” on Attachment 1, were reserved by the York Catholic District School Board for a period of 5 years to develop a secondary school. However, the York Catholic District School Board decided not to exercise their option to purchase the lands. As such, these lands now form part of these Applications.

The northern portion of the Subject Lands, shown as “RD3 Residential Detached Zone Three” on Attachment 1, were intended to be used as a community centre. However, based on the recommendations and the needs assessment from the City of Vaughan’s 2008 Active Together Master Plan, it was determined by Council that a larger multi-use community centre was more desirable to meet the needs of the larger community and more financially sustainable.

A larger multi-use community centre is being planned in Block 11 to meet the needs of both the local and broader community, including the residents in Block 18. This larger multi-use community centre is currently in the design stage of development and will be located within a 4 km distance from the Subject Lands, at the northeast intersection of Thomas Cook Avenue and Valley Vista Drive.

The Subject Lands are bounded on the west by the City's future Block 18 District Park, as shown on Attachment 1. In December 2015, the City acquired approximately 2 ha of additional parkland from the Block 18 landowners group, allowing for additional park programming for the new Block 18 District Park. Since the start of the conceptual design of the new Block 18 District Park in 2019, staff continue to coordinate with the Block 18 landowners group for the Subject Lands regarding public street frontage, site servicing (electrical, water, storm and sanitary), residential unit interface, facility programming, pedestrian connections, parking and driveway access options.

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

- March 12, 2021, (Circulated 150 m from Subject Lands and to the expanded polling area as shown on Attachment 2):
- Location of Notice Signs: Rutherford Road and Peter Rupert Avenue
- Date of Public Meeting: April 7, 2021, date ratified by Council April 20, 2021
- Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: May 23, 2023

Public Comments were received

The following is a summary of the comments provided and received to date. The comments are organized by theme as follows:

Access, Traffic and Parking

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

Environmental Impacts

- the Development will cause negative impacts to the existing wildlife in the area

Density and Built Form

- the Development is too dense and should include more detached homes, a larger green space, a community centre or school

School Board Capacity

- the Development will create insufficient capacity at nearby schools

These comments are addressed throughout this report.

Previous Reports/Authority

Previous reports related to the Applications can be found at the following link:

[April 20, 2021, Committee of the Whole \(Public Meeting\) Item 2, Report No. 15](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement and conforms to the Growth Plan, ORMCP, YROP 2010 and VOP 2010

Provincial Policy Statement, 2020 ('PPS')

The PPS provides direction on matters of Provincial interest related to land use planning and development and include building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety.

The Subject Lands are within a Settlement Area and the Delineated Built-Up Area of the Built Boundary of York Region. The Development facilitates a compact urban form through the intensification of underutilized lands in the City's established Settlement Area where full municipal services exist. The compact urban form, the ability to utilize existing municipal infrastructure, and the opportunity to provide housing that capitalizes on the transportation infrastructure investments is consistent with the PPS. Staff are satisfied that the Development is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan')

The Growth Plan provides a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

The Subject Lands are within an Intensification area, in proximity to higher order transit facilities and within the Rutherford GO Station Major Transit Station Area ('MTSA') with a density target of 100 people and jobs per hectare. The Development achieves a density of 86 people and jobs per hectare. Although the Development does not achieve the 100 people and jobs per hectare, it assists in achieving the overall density target. In addition, VOP 2010 designates the lands "Low-Rise Residential" therefore the townhouse units are permitted as-of-right. The Development shown on Attachments 3 conforms to the Growth Plan.

The Oak Ridges Moraine Conservation Plan ('ORMCP')

The Subject Lands are located on the Oak Ridges Moraine and are subject to the ORMCP. The ORMCP was established by the Province to provide land use and resource management direction for lands within the Oak Ridges Moraine.

The Subject Lands are located within the "Settlement Area" designation of the ORMCP which promotes the efficient use of land with transit supportive densities through intensification and redevelopment within existing urban areas. Urban uses and development as set out in municipal official plans are permitted within the Settlement

Area. The proposed townhouse use is permitted and conforms to VOP 2010. Therefore, the Development conforms to the ORMCP.

York Region Official Plan 2010 ('YROP 2010')

The YROP 2022 replaces the YROP with respect to applications not deemed to be complete as of the YROP 2022 date of approval (Transition Policy 7.4.13). As the Applications were deemed complete prior to the approval of YROP 2022, the YROP remains as the in-force Regional Official Plan against which conformity of the Applications is measured.

The YROP 2010 designates the Subject Lands 'Urban Area', which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are located within the Rutherford GO Station MTSA which are focal points for the highest densities. The Development, which conforms to the YROP 2010, provides for a dense development on a parcel of the land in close proximity to existing transit facilities. The Development conforms to the YROP 2010.

Vaughan Official Plan 2010 ('VOP 2010')

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- "Community Area" and "Primary Intensification Corridor" on Schedule 1 – "Urban Structure" of VOP 2010
- "Low-Rise Residential" on Schedule 13 – "Land Use" of VOP 2010

The Low-Rise Residential designation permits townhouse dwellings at a building height of 3 storeys. The Development shown on Attachments 3 includes 273 freehold residential townhouse 2 to 3 storeys in height. On this basis, the Development conforms to VOP 2010.

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

As the Applications were received by the City on December 15, 2020, and deemed complete on February 2, 2021, the Applications are transitioned under Zoning By-law 001-2021.

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

- "RD3 Residential Detached Zone Three", "RD4 Residential Detached Zone Four", "Agricultural Zone", and "OS5 Open Space Environmental Protection Zone" by Zoning By-law 1-88, subject to site-specific Exception 9(1226)
- These Zones do not permit the Development
- The Owners propose to rezone the Subject Lands to "RT1 Residential Townhouse Zone" and "OS5 Open Space Environmental Protection Zone" together with site-specific zoning exceptions to permit the Development, as shown in Attachment 4.

The Development Planning ('DP') Department can support the zoning exceptions identified in Table 1 (Attachment 4) on the basis that the proposed site-specific zoning standards would facilitate a Development that is consistent with the policies of the PPS and conforms to the Growth Plan. The site-specific development standards will enable a compact built form and pedestrian realm relationship that is supported in a MTSA with access to transit.

Minor modifications may be made to the zoning exceptions identified in Table 1 (Attachment 4) prior to the enactment of an implementing Zoning By-law, as required, should the Applications be approved.

A Holding Symbol "(H)" is recommended for the Subject Lands to satisfy the conditions of the City

A Holding Symbol "(H)" is recommended to be placed until sewage allocation and water supply capacity is assigned to the Development as discussed in the Development Engineering section of this report. The Holding Symbol "(H)" shall not be removed from the Subject Lands, or any portion thereof, until the condition included in the Recommendation section of this report is addressed to the satisfaction of the City.

The DP Department recommends approval of the Draft Plan, subject to the Conditions of Approval

Subdivision Design

The Draft Plan shown on Attachment 3 includes 54 residential blocks to be developed with 273 townhouse dwellings, a buffer block for the existing natural heritage system to the north, a park block for a connection to the future Block 18 District Park, a block for a pedestrian connection from Rutherford Road, 4 new public roads and 2 laneways.

Urban Design

All development within the Draft Plan is required to proceed in accordance with the Vaughan Council approved City-wide Urban Design Guidelines, the Block 18 Community Architectural Design Guidelines prepared by The Planning Partnership and The Block 18 Carrville Corners Landscape Master Plan prepared by NAK Design Group. Urban Design conditions are included in the Conditions of Approval in Attachment 1.

Archaeology

The DP Department, Urban Design and Cultural Heritage Division has advised there are no built heritage concerns on the Subject Lands and is not identified as having archaeological potential, subject to any archaeological resources or human remains being located during construction. Warning clauses in this regard are included as Conditions of Approval in Attachment 1.

The DP Department is satisfied with the proposed Draft Plan design as shown on Attachment 3, subject to the Conditions of Approval in Attachment 1 of this report.

Tree Protection Agreement

The Owners shall provide a detailed Tree Preservation Study to the satisfaction of the City. The study shall include an inventory of all existing trees, assessment of significant trees to be preserved and proposed methods of tree preservation based on the arborist report recommendations. The Owners shall enter into a tree protection agreement in accordance with City Council enacted Tree By-Law 052-2018. A condition is included as Conditions of Approval in Attachment 1.

The Development achieves a Bronze Sustainability Threshold Score

The Development achieves an overall Sustainability Performance Metrics application score of 36 (bronze level). This score meets minimum threshold requirements.

Financial Impact

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

Operational Impact

The Policy Planning and Environmental Sustainability Department ('PPES') supports the Draft Plan, subject to Conditions of Approval

PPES has advised that the Subject Lands are located adjacent to several natural features including a woodland and a wetland to the north. The abutting lands to the north of the Subject Lands are designated "Natural Areas" by VOP 2010 and zoned OS5 Open Space Environmental Protection Zone by Zoning By-law 1-88.

The Owner has provided an Environmental Impact Study ('EIS') prepared by Dillion Consulting which establishes appropriate development limits and an appropriate vegetation protection zone (Block 55, as shown on Attachment 3) for the Subject Lands. The Toronto and Region Conservation Authority ('TRCA') and PPES are satisfied with the development limits and vegetative protection zone. VOP 2010, Policy 3.2.3.10 states Core Features and their related vegetation protection zone will be conveyed to the City and/or TRCA as a condition of development approval to ensure their continued protection and management. The Owner is proposing to convey Block 55 to the City or TRCA. A condition to this effect is included in Attachment 1.

It is noted that applications regardless of their location are required to abide by the *Endangered Species Act* (2007) regulated by the Ministry of Natural Resources and Forestry ('MNRF'). The Owner is required to complete an information request form and submit it to the MNRF for confirmation of any potential Species at Risk on the Subject Lands. A condition to this effect is included in Attachment 1.

The Development Engineering ('DE') Department supports the Development, subject to the conditions in this report

The DE Department has no objection to the Development subject to conditions included in Attachment 1, and provided the following comments:

Road Network

The Development contains new local roads and laneways, and two full-move accesses to Peter Rupert Avenue that aligns with the existing road network to the east. The submitted transportation-related studies show that the Development will be adequately served by the existing and proposed road network. The surrounding transportation network consists of local, minor collector and arterial roads in close proximity to Rutherford GO station.

Water Supply

The Subject Lands are located within Pressure District 7. Water supply to the Subject Lands will be provided via three connections to the existing 400 mm diameter watermain along Peter Rupert Drive. The proposed watermain layout provides a 300 mm diameter loop within the Subject Lands, the balance of the roads and laneways are provided with 200 mm diameter and 150 mm diameter watermains.

Sanitary Servicing

Sanitary flows from the majority of the Subject Lands will flow west along an easement located on the north side of the existing adjacent stormwater management pond and ultimately discharging to the existing 525 mm sanitary sewer. The remainder of the Subject Lands will flow to a newly installed stub at the southwest corner of the Subject Lands. This sanitary servicing scheme will eliminate predicted surcharging of existing sanitary sewers on Rutherford Road created by the increased Carrville District Centre density and will accommodate the increased population of the Subject Lands. The existing sanitary service connection will be decommissioned.

Stormwater Management

The Subject Lands are proposed to have a dual drainage scheme consisting of major and minor system networks. The existing stormwater management pond adjacent to the southwest quadrant of the Subject Lands is designed to provide quality, quantity, and erosion control for its service area, which include the Subject Lands. Due to depth restrictions, units in the southwest quadrant of the Subject Lands cannot be provided with gravity storm connections and will require sump pumps that will discharge to the storm connections to avoid basement flooding.

Lot Grading

The DE Department has no objections to the proposed grading. The Owner shall provide a revised detailed grading plan confirming the proposed grading of the site and lot grading of the individual lots meet the current City's lot grading criteria. A condition to this effect is included in Attachment 1.

Transit

The Subject Lands are located within walking distance of a bus stop and is well served by several York Region Transit bus routes including Route 85 Rutherford, Route 87 Autumn Hill, Route 105 Dufferin and Rutherford GO Station.

Active Transportation

Sidewalks are available on at least one side of proposed residential roadways and surrounding roadways which provide pedestrian connectivity for all townhouse units. A pedestrian pathway (Block 57 on Attachment 3) will be provided between Blocks 9 and 10 will provide a connection to Rutherford Road. Signed bike routes and cycling facilities along Peter Rupert Avenue are within walking distance of the Development and are identified as a primary local route in the City of Vaughan Pedestrian and Cycling Master Plan.

Noise Assessment

The Owner has submitted a noise report titled “Noise Feasibility Study Proposed Residential Development Block 18, Parcels S-3, S-4, CC-1 Vaughan, Ontario”, dated September 26, 2022, prepared by HGC Engineering. The report concludes that the sound levels due to road traffic will exceed the Ministry of the Environment, Conservation and Parks (‘MECP’) limits. The report recommends central air conditioning, forced air ventilation system with ducts sized to accommodate the future installation of central air conditioning and noise warning clauses.

Based on the report the road traffic on Rutherford Road and Peter Rupert Avenue are the dominant noise sources within 500 m of the Subject Lands. The Subject Lands are located more than 75 m away from the existing rail line to the west and will not require the assessment of ground-borne vibrations under MECP guidelines. DE has no objections to the noise feasibility study, subject to ensuring warning clauses and all recommendations from the study incorporated within the design and included within all future agreements to the satisfaction of the DE Department. A condition to this effect is included in Attachment 1.

Environmental Engineering

The Owner submitted Site Screening Questionnaire, Phase One and Phase Two Environmental Site Assessment (ESA) reports, and Record of Site Conditions (RSCs) filed with the MECP for the Development. The DE Department has reviewed the submissions and was satisfied with the ESA documents.

Sewage and Water Allocation

Currently there is limited available city-wide servicing capacity, however York Region is expected to grant the City of Vaughan additional servicing capacity in the last quarter of 2023 as part of their capacity assignment to cycle to local municipalities. Therefore, it is recommended that a Holding Symbol (‘H’) be placed on the Subject Lands until such time that Vaughan Council adopts a resolution allocating sewage capacity and water supply capacity to the Subject Lands. A condition to this effect is included in the Recommendations section of this report.

Parking

The proposed Development meets the zoning by-law requirement and provides sufficient parking for the proposed townhouse units.

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

PIPD has no objection to the Development, subject to conditions included in Attachment 1 of this report.

Development Charges apply to the Development

The Owner shall pay to the City the applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, York Region, York Region District School Board and the York Catholic District School Board. A condition to this effect is included in Attachment 1 of this report.

Developers Group Agreement

A condition of approval is included in Attachment 1 requiring the Owner to execute a Developer's Group Agreement with other participating landowners within Block 18 to the satisfaction of the City of Vaughan regarding the provision cost-sharing of servicing infrastructure, roads, parks and cash-in-lieu for Block 18. The Owner must satisfy all requirements of the Block 18 Developers Group Agreement and is required to satisfy all obligations, financial and otherwise to the satisfaction of the Block 18 Trustee and the City of Vaughan. This agreement shall also provide a provision for additional developers to participate with the Developers' Group Agreement when they wish to develop their lands.

Cash-in-Lieu of the dedication of parkland is required

The Owner is required to pay to the City by way of certified cheque, cash-in-lieu of the dedication of the parkland, in accordance with the *Planning Act* and the City's cash-in-lieu Policy. A condition to this effect is included in Attachment 1 of this report.

Alectra Utilities Corporation, Bell Canada and Enbridge Gas Distribution has no objection to the Development, subject to Conditions of Approval

Alectra Utilities Corporation, Bell Canada and Enbridge Gas Distribution has no objection to the approval of the Applications, subject to their conditions contained in Attachment 1 of this report.

The school boards no objection to the Development

The York Catholic District School Board and the York Region District School Board have no objections to the Development.

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

Canada Post has no objection to the Development, subject to the Owner installing mailbox facilities and equipment to the satisfaction of Canada Post. Conditions to this effect are included in Attachment 1 of this report.

Broader Regional Impacts/Considerations

York Region has no objection to the Development, subject to Conditions of Draft Plan of Subdivision

The York Region Community Planning Department has no objection to the approval of the Applications, subject to their Conditions of Draft Plan of Subdivision Approval contained in Attachment 1.

The TRCA has no objection to the Development, subject to Conditions of Approval

The TRCA has no objection to the Applications, subject to their conditions included in Attachment 1 of this report.

Conclusion

The Development Planning Department is satisfied the Applications are consistent with the PPS, conforms with the Growth Plan, YROP 2010 and VOP 2010, and is appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department can recommend approval of the Applications, subject to the recommendations in this report and Conditions of Approval in Attachment 1.

For more information, please contact Daniela DeGasperi, Planner, at extension 8382.

Attachments

1. Conditions of Draft Plan of Subdivision Approval
2. Location Map
3. Proposed Zoning and Draft Plan of Subdivision File 19T-20V008
4. Zoning By-law 1-88 Table 1

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