

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, May 7, 2024

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 high-rise mixed-use development ranging in height from 6 to 29-storeys with approximately 2,009 units, including 10% rental units (201 units), 7,968 m² of non-residential uses, 7,162 m² of retail and 806 m² of community space having a floor space index of 4.56 times the area of the lot (the 'Development'), as shown on Attachments 3 and 5.

Report Highlights

- The Owner proposes to amend Official Plan 2010 and Zoning By-law 001-2023 to permit a high-rise mixed-use development.
- Previously heard at the May 2, 2023 Public Meeting.
- 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.23.002 (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 a commercial plaza including an eating establishment (The Keg), retail stores (strip plaza, Dollarama and Decathlon).

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

Date applications were deemed complete: April 25, 2023

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 permit the Development as shown on Attachments 3 and 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 29-storeys and a maximum FSI of 4.56 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 VOP 2010 may be identified through the review of the Applications.

2. Zoning By-law Amendment File Z.23.002 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 3, to "HMU High-Rise Mixed-Use Zone" together with site-specific exceptions identified in Attachment 7 of this report.

Additional minor amendments to the Zoning By-laws may be identified through the review of the Applications.

The Committee of the Whole (Public Meeting) considered the Applications on May 2, 2023.

The Committee of the Whole, on May 2, 2023, received a Public Meeting report on the Applications for 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 as shown on Attachment 6.

On April 16, 2024, the Owner revised the Development proposal, as shown on Attachments 2 to 5, as follows:

	First Submission May 2, 2023 Public Meeting (Attachment 6)	Second Submission May 7, 2024 Public Meeting (Attachment 3)	Reduction
Height: Building 1 - Tower 1A Building 1 - Tower 1B Building 2 Building 3 – Tower 3A Building 3 – Tower 3B Building 4 – Tower 4A Building 4 – Tower 4B	26-storeys 35-storeys 21-storeys 17-storeys 21-storeys 34-storeys 30-storeys	25-storeys 29-storeys 12-storeys removed 12-storeys 17-storeys 27-storeys	1-storey 6-storeys 9-storeys Replaced with 1 building 9-storeys 17-storeys 3-storeys
Number of Residential Units	3,047	2,009	1,038-unit reduction (34%)
Residential GFA	209,531m ²	164,013m ²	45,518m ² (21.7%)
Non-residential GFA	7,826m ²	7,162m ²	664m ² (8.5%)
Community GFA	720m ²	806m ²	Increase 86m ² (need has not been determined)
Proposed Total GFA	218,076m ²	171,981m ²	46,095m ² (21%)
Net FSI	5.67	4.56	Based on above FSI may change. Shown as a 1.11 FSI reduction (19.6%)

As per policy 10.1.4.1 of the Vaughan Official Plan (VOP 2010) a new Public Meeting is automatically required if an application(s) has been significantly amended beyond what was proposed and considered by Council at a previous Public Meeting. With the revised development proposal, the Development has changed, an additional Public Meeting is required for these Applications.

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 12, 2024.

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, Sweet River Blvd and Komura Road 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 extended 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 23, 2024. 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 be a strain on the local environment, including air and water quality and an increase in noise pollution

Construction

- concerns about impacts on the existing community from construction dust and noise

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

The following is a link to a previous report regarding the Subject Lands:

[May 16, 2023, Council Extract \(Committee of the Whole \(Public Meeting\) Item 2, Report No. 21\)](#)

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.

Amendments to Zoning By-law 001-2021 are required to permit the Development.
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.

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

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	▪ 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.
b.	Appropriateness of Amendments to Zoning By-law 001-2021	▪ The appropriateness of rezoning and the 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 VMCSP	▪ 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: ▪ Vaughan Metropolitan Centre is intended to contain the tallest buildings and greatest densities in the City.

	MATTERS TO BE REVIEWED	COMMENT(S)
		▪ <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., VMCSP) 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 VMCSP on the south side of Rutherford Road. The VMCSP 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 1.5 and “High-Rise Mixed-Use” closer to Sweetriver Boulevard with a maximum height of 16-storeys and an FSI of 2.0.
d.	Studies and Reports	▪ The Owner submitted studies and reports in support of the Applications available on the city’s website at https://maps.v 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	▪ 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 servicing capacity is identified and allocated to the lands by Vaughan Council.
f.	Urban Design Guidelines	▪ The Development will be reviewed in consideration of the City of Vaughan City-wide Urban Design Guidelines.

	MATTERS TO BE REVIEWED	COMMENT(S)
g.	Design Review Panel ('DRP')	The Development will be reviewed in consideration of the comments provided by the DRP on February 23, 2023.
h.	Public Agency/Municipal Review	The Applications must be reviewed by the Ministry of Transportation, 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	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.	Community Benefits Charges	The development meets the criteria for Community Benefits Charges ('CBC') being 5 or more storeys and 10 or more units. The City passed the CBC By-law on September 14, 2022, which is therefore the applicable mechanism used to collect community benefits.
k.	Affordable Housing	The Applications will be reviewed in consideration of Provincial, Regional and City policies 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.
l.	City's Tree Protection Protocol ('TPP')	The Development will be reviewed in accordance with the City's Tree Protection Protocol, for the protection and the replacement of any tree(s) should they be damaged during construction, if the Applications are approved.
m.	Traffic Impacts, Road Widening and Access	- The Transportation Impact Study will be reviewed in accordance with the City's Transportation Impact Study Guidelines to the satisfaction of the Development Engineering Department. - Matters including the driveway entrance, parking, ramps to the underground parking garage, truck manoeuvring, bicycle parking and Transportation Demand Management requirements are required to be reviewed to the satisfaction of the Development Engineering Department. - The traffic impacts and access points proposed will need to be reviewed to the satisfaction of York Region and MTO.

	MATTERS TO BE REVIEWED	COMMENT(S)
		York Region will identify any required land conveyances.
n.	Required Development Applications	- 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.

Financial Impact

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

Operational Impact

Development Planning staff have circulated the Applications to internal City Departments for review.

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. Previous Site Plan (May 2, 2023 Public Meeting)
7. Draft Zoning By-law 001-2021 (provided by Owner)

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